

that Judge Lee Tidwell, county judge of Bowie county, Texas, has certified to this department the returns of the special election held on July the 19th, 1913, in the First Senatorial District of the State of Texas to select a Senator from the First Senatorial District to succeed the Hon. Horace W. Vaughan, resigned. That the result of said election shows that Hon. A. C. Oliver received 1707 votes, Hon. C. A. Wheeler 1683 votes, and Hon. L. H. Henry 1198 votes; and I do hereby certify that Hon. A. C. Oliver, having received the largest number of votes cast for any one candidate, according to the returns made to this department, is the duly elected and accredited Senator from the First Senatorial District, having received a majority of twenty-four votes over the next highest candidate.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Texas, this the 6th day of August, A. D. 1913.

(Seal) F. C. WEINERT,  
Secretary of State.

## EXHIBIT "G."

In the Senate of Texas.

C. A. Wheeler, Contestant, vs. A. C. Oliver, Contestee.

It is agreed that votes were cast and counted for the contestant and contestee in the following voting boxes in Cass county at the election of July 19, 1913, as follows:

At Douglasville: Contestant, 18; contestee, 118.

At Cass: Contestant, 4; contestee, 23.

At Bloomburg: Contestant, 16; contestee, 21.

At Atlanta: Contestant, 115; contestee, 132.

At Cusseta: Contestant, 19; contestee, 30.

At Galloway: Contestant, 21; contestee, 25.

At Roch: Contestant, 22; contestee, 13.

At Marietta: Contestant, 19; contestee, 16.

At Lanier: Contestant, 37; contestee, 37.

At Bryan's Mill: Contestant, 43; contestee, 34.

At Douglasville box all of the ballots were numbered, but none of them were signed by the judge or manager of the election.

35—S

That at the Galloway box all of the ballots were signed by the judge, but none of them were numbered.

That at the Cass, Atlanta, Cusseta, Bloomburg, Roach, Marietta, Lanier and Bryan's Mill boxes the ballots were properly numbered, but were not signed by the judge.

W. S. THOMAS,

Attorney for Contestant.

ROLLIN W. ROGERS,

Attorney for Contestee.

## TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 19, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Lattimore.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for standing committee reports.)

Morning call concluded.

## EXECUTIVE SESSION POSTPONED.

Action recurred on the pending motion for the postponing of the holding of the executive session until 2:30 o'clock to-day, which motion was adopted.

## MOTION TO RECALL HOUSE BILL NO. 9 FROM HOUSE.

Action recurred on the pending business, motion by Senator Hudspeth to re-

call House bill No. 9 from the House for correction and further consideration.

Senator Townsend moved to table the motion, which motion to table was lost by the following vote:

Yeas—13.

Carter.	Lattimore.
Clark.	Morrow.
Collins.	Taylor.
Darwin.	Townsend.
Greer.	Westbrook.
Harley.	Wiley.
Johnson.	

Nays—15.

Astin.	McNealus.
Bailey of De Witt.	Nugent.
Bailey of Harris.	Oliver.
Brelsford.	Real.
Gibson.	Terrell.
Hall.	Watson.
Hudspeth.	Willacy.
McGregor.	

Present—Not Voting.

Warren.

Absent.

Conner. Cowell.

Senator Lattimore made the point of order that a motion to recall a bill should be accompanied by a motion that the Senate had rescinded its action on the passage of the bill.

The Chair overruled the point of order.

Senator Hudspeth moved the previous question on the motion, which, being duly seconded, was so ordered.

The motion to recall House bill No. 9 was adopted by the following vote:

Yeas—15.

Astin.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Nugent.
Gibson.	Oliver.
Hall.	Terrell.
Harley.	Watson.
Hudspeth.	Willacy.

Nays—13.

Carter.	Morrow.
Clark.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.
Lattimore.	

Absent.

Conner.

PAIRED.

Senator Collins (present), who would vote "nay," with Senator Bailey of De Witt (absent), who would vote "yea."

Senator Hudspeth moved to reconsider the vote by which the motion was adopted and lay the motion on the table.

The motion to table prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 53, A bill to be entitled "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court of El Paso county; to prescribe its jurisdiction; to limits its existence; to fix its terms; to conform all writs and process of said court to the district court of said county and to such changes as are made in the jurisdiction of said court by this act; to empower the judge of a said special district court and the judges of the Thirty-fourth Judicial District Court and the Forty-first Judicial District Court of Texas to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency."

Senate bill No. 57, A bill to be entitled "An Act creating the Gonzales Independent School District in Gonzales county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining

thereto situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency," with amendments.

House bill No. 89, road law for Hopkins county.

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining, and operating macadamized, graveled or paved roads, and declaring an emergency."

Senate bill No. 48, A bill to be entitled "An Act to amend Section 2, Chapter 67, Local and Special Laws of the Acts of the Thirty-second Legislature of the State of Texas, creating a special road law for Mason county, Texas, so as to provide that hands employed to work on the public roads shall be paid not more than \$1.50 per day, and that not more than \$3 per day shall be paid for a team and driver, and further so as to provide that the superintendent of roads and bridges shall have charge of all public roads and bridges and supervise all work done thereon, but that the county commissioners shall inspect the roads within their respective precincts once each month, and shall receive as compensation therefor \$3 per day for the time actually employed in the discharge of such duty, provided that no commissioner shall receive pay for more than three days in any one month, and providing for an emergency."

Senate bill No. 28, road law for Dallas county.

House bill No. 95, road law for Montague county.

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws, passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency."

The House does not concur in Senate amendments to House bill No. 44, and requests a Free Conference Committee. The following members on the part of the House are appointed: Messrs. Calvin, Fields, Dove, Coffey and Nabours.

Respectfully,

W. R. LONG.

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair. Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 74, referred to Committee on Mining and Irrigation.

House bill No. 95, referred to Committee on Roads, Bridges and Ferries.

House bill No. 89, referred to Committee on Roads, Bridges and Ferries.

#### SENATE CONCURRENT RESOLUTION NO. 6.

(By Unanimous Consent.)

By Senator Willacy:

Senate Concurrent Resolution No. 6, Resolved by the Senate, the House concurring, That the last sentence in Rule 11 of the joint rules of the two houses, which provides that no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, be, and is hereby suspended.

Senator Townsend offered the following amendment, which was read and adopted:

Amend the resolution so that it shall apply to purely local bills only.

The resolution was then read and adopted.

#### HOUSE BILL NO. 44—FREE CONFERENCE COMMITTEE ON.

Senator Collins made the following motion:

I move that the Senate grant the request of the House for a Free Conference Committee on House bill No. 44 and that the following members be appointed on the part of the Senate: Senators Lattimore, Brelsford, Townsend, Taylor and Darwin.

The above motion was read and adopted.

#### SENATE BILL NO. 21—HOUSE AMENDMENTS CONCURRED IN.

Senator Johnson called up Senate bill No. 21 with the following House amendments:

Amend Senate bill No. 21 by striking out all of the last part of Section 2 of the bill after the words "also the following lands situate in Collinsworth county, Texas," and adding the following: "Beginning at the southwest corner of Collinsworth county; thence north along the west line of said county four miles; thence from that point on said county line, east, four miles; thence south four miles to the county line between Collinsworth county and Hall county; thence west along such county line four miles to the place of beginning."

The amendments were read and concurred in by the following vote:

Yeas—31.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Clark.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 29, prohibiting the creation of deficiencies for all State institutions.

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein, and to repeal all laws in conflict therewith, and declaring an emergency."

House grants request of Senate and returns House bill No. 9 for further consideration.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 30, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12 of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county by a vote of a

two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Senate bill No. 56. A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas; and to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### AT EASE.

On motion of Senator Terrell, the Senate was at ease for twenty minutes.

The Senate was called to order at 11:25 o'clock a. m.

#### HOUSE BILL NO. 9.

Senator Hudspeth moved to rescind the vote by which the final passage vote on House bill No. 9 was reconsidered and tabled, which motion prevailed.

Senator Hudspeth moved to rescind the vote by which House bill No. 9 was finally passed, which motion prevailed.

Senator Hudspeth moved to rescind the vote by which the constitutional rule was suspended, which motion prevailed.

Senator Hudspeth moved to rescind the vote by which the bill was passed to a third reading.

Pending discussion, Senator Hudspeth moved the previous question on the above motion, which motion being duly seconded was so ordered.

The motion to rescind the vote by which the bill had passed to a third reading, and the same prevailed by the following vote:

Yeas—24.

Astin.	Brelsford.
Bailey of De Witt.	Carter.
Bailey of Harris.	Clark.

Conner.	Morrow.
Cowell.	Nugent.
Darwin.	Oliver.
Gibson.	Real.
Harley.	Taylor.
Hudspeth.	Terrell.
Johnson.	Watson.
Lattimore.	Wiley.
McGregor.	Willacy.

Nays—4.

Collins.	Townsend.
Greer.	Westbrook.

Present—Not Voting.

McNealus.

Absent.

Hall.

Warren.

The Chair laid before the Senate, on second reading,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged, and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 10 and insert in lieu thereof the following:

"Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which has not at the time of making application for permit at least fifty per cent of its capital stock subscribed and paid in, providing that this shall not apply to any foreign corporation engaged exclusively in the business of lending money in this State, nor to any insurance company that is required by law to obtain a permit from the Commissioner of Insurance and Banking."

Darwin, Hudspeth, Watson, Gibson, Nugent.

Senator Townsend offered the following amendment to the amendment:

Amend the amendment by adding the following thereto: "Provided, further, that all foreign companies organized as

bank or trust companies shall comply with the requirements of the law of Texas as to domestic corporations for such purposes before it may sell its stocks by agent or otherwise in Texas."

Senator Hudspeth moved to table the amendment to the amendment, which motion to table was adopted by the following vote:

Yeas—20.

Astin.	Hudspeth.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Clark.	Oliver.
Conner.	Real.
Cowell.	Terrell.
Darwin.	Watson.
Gibson.	Wiley.
Harley.	Willacy.

Nays—7.

Carter.	Taylor.
Collins.	Townsend.
Greer.	Westbrook.
Johnson.	

Present—Not Voting.

McNealus.

Absent.

Hall.	Warren.
McGregor.	

Senator Townsend moved to table the amendment, which motion was lost.

The amendment was then adopted by the following vote:

Yeas—21.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	Morrow.
Clark.	Nugent.
Conner.	Oliver.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Harley.	Watson.
Hudspeth.	Wiley.
Johnson.	

Nays—4.

Collins.	Townsend.
Greer.	Westbrook.

Present—Not Voting.

Carter.	McNealus.
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Absent.

Brelsford.	Warren.
Hall.	Willacy.

Senator Watson moved the previous question on the bill, which motion, being duly seconded, was so ordered.

The bill was read second time and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Lattimore.
Bailey of De Witt.	McGregor.
Bailey of Harris.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Greer.	Townsend.
Harley.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Absent.

Brelsford.	Warren.
Gibson.	Willacy.
Hall.	

The bill was read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, August 19, 1913.

To the Senate:

Section 7 of Chapter 171, General Laws passed by the Regular Session of the Thirty-third Legislature, creates the Board of Water Engineers, provides for their appointment by the Governor, with the advice and consent of the Senate, and stipulates that the Governor in appointing said commissioners shall designate one to serve six years, one four years and one two years.

In harmony with said statute, I ask the advice and consent of the Senate to the appointment of the following persons to be members of the Board of Water Engineers:

J. C. Nagle, College Station, Brazos county, Chairman, to serve six years, and to represent Water Division No. 2.

John Wilson of Barstow, Ward county, to serve four years, and to represent Water Division No. 1.

E. B. Gore of Pharr, Hidalgo county,

to serve two years, and to represent Water Division No. 3.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McGregor:

Whereas, The Hon. John G. Willacy, for twelve years a members of the Texas Senate, and for ten years Chairman of the Finance Committee, has declared his purpose and intention to retire from this body at the expiration of his present term of office, which ends January 1, 1915, and not to be a candidate for re-election; and

Whereas, His fidelity, genius, industry and persistent patriotism has rendered signal service to his State, and has endeared himself to those who have served with him in the Senate; and

Whereas, He has in the discharge of his public duties acquired a fund of information affecting the various institutions of Texas, which probably makes him the best informed man in the State upon her affairs; and

Whereas, His retirement from the Senate is a matter of great regret to his associates here and means a great loss to the State; therefore, be it

Resolved by the Thirty-third Senate, That we do heartily congratulate the Hon. John G. Willacy upon the merited position which he has attained in the confidence and esteem of the members of this Senate and of the people of Texas; that we assert to the people and to those who are to come after us that his service here has been that of unswerving fidelity and unalloyed loyalty to the State; and that we declare his retirement from this body to be a loss to the State and to all her institutions. And that we express to him the unmixed wish of each of us that in the future "his ways may be ways of pleasantness and his paths be paths of peace," and that his State which he has served so faithfully may never forget the service which he has rendered.

Signed by Senators McGregor, Bailey of DeWitt, Darwin, Warren, Carter, Conner, Cowell, Greer, Wiley, Oliver, Nugent, Lattimore, Bailey of Harris, Harley, Gibson, Watson, Real, Terrell, McNealus, Johnson, Clark, Collins, Hudspeth, Taylor, Westbrook, Astin, Brelsford, Morrow.

The resolution was read and unanimously adopted by a rising vote.

Senator Willacy was escorted to the President's stand and addressed the Senate briefly.

#### RECESS.

On motion of Senator Bailey of Harris, the Senate recessed until 2:30 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

#### EXECUTIVE MESSAGE.

A message from the Governor was here received, submitting appointment of notaries public for various counties. (See confirmation of for names.)

#### EXECUTIVE SESSION POSTPONED.

Senator Hudspeth moved that the Senate postpone the executive session until 3:10 o'clock today, which motion prevailed.

Senator Hudspeth moved that the Governor be invited to address the Senate upon his appointments, if he so wishes.

Senator McNealus offered the following substitute for the motion:

Resolved, That the Senate, through a committee of three Senators to be appointed by the President of the Senate, inform the Governor that the Senate is about to go into executive session and that if he has further nominations to make for the Senate to consider or wishes to otherwise communicate with the Senate, the body awaits his pleasure, such communication to be oral or written, at his option.

Senator Hudspeth moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—15.

Astin.	Harley.
Bailey of De Witt.	Hudspeth.
Bailey of Harris.	McGregor.
Carter.	Morrow.
Gibson.	Nugent.
Hall.	Oliver.

Real.	Watson.
Terrell.	
	Nays—9.
Clark.	McNealus.
Conner.	Taylor.
Darwin.	Townsend.
Greer.	Westbrook.
Johnson.	
	Present—Not Voting.
Cowell.	Lattimore.
	Absent.
Brelsford.	Wiley.
Collins.	Willacy.
Warren.	

The motion by Senator Hudspeth was then adopted.

The Chair appointed Senators Hudspeth and Nugent to notify the Governor of the invitation.

Senator Watson moved that the executive session be postponed until 3:30 o'clock today.

On motion of Senator Clark, the motion was tabled.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 29 by the following vote: Yeas 99, nays 3.

Senate bill No. 54, A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### POST-SESSION CLERICAL WORK.

By Senator Carter:

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the First Called Session of the Thirty-third Legislature, and to report and recommend

such officers and employes as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report as follows:

1. That 250 volumes of the Senate Journal of the Special Session, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound, shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with the pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate; and it is further provided, that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purpose of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Senate Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Special Session of the Thirty-third Legislature, that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue vouchers for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Journal Clerk, R. M. Gilmore, be retained for forty days after adjournment, and that he be allowed for his services \$7.50 per day, and that he be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index to same, and to deliver to the Secretary of State all documents, bills, etc., and



Journal by law required to be delivered to him by the Secretary of the Senate.

3. We recommend that the Secretary of the Senate, Mr. W. V. Howerton, be, and he is hereby allowed ten days in which to wind up the business of the Senate, and that the Assistant Secretary, John D. McCall, and the private secretary of the Lieutenant Governor, Tom Leach, be allowed two days in which to finish their respective labors, each of the above officials and employes to be allowed the sum of \$5 per day.

4. That J. C. Stanberry, the Calendar Clerk, be retained for one day after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

5. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle, and assistant, J. A. Kinny, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of the Legislature; and that the Sergeant-at-Arms, M. F. Hornbuckle, and his assistant, J. A. Kinny, be allowed three days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature, as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and Irvin Hatcher, for two days to assist him, said porters to be paid \$2 per day, and this is to be out of the appropriation of the per diem of members, officers, clerks and employes.

6. We recommend that the Engrossing Clerk, Frank Smith, and Enrolling Clerk, W. P. Williams, each be required to deliver to the Senate all books and documents belonging to the Senate in

their possession, upon the adjournment of the Legislature, and that each be retained one day after adjournment.

7. That each of the above and hereinafter named officers and employes, except the porters, be paid the sum of \$5 per day, except R. M. Gilmore, and that he be paid \$7.50 per day for the time retained, and that this be paid out of the contingent expense and per diem appropriation for the Thirty-third Legislature.

8. That the postmistress, Mrs. Clyde D. Smith, be requested to make out a list of the Senators and employes of the Senate with their respective postoffice addresses and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment; and that she be paid for three days' time at \$5 per day.

9. That the expenditures under this resolution may be paid out of the contingent and per diem fund of the Special Session of the Thirty-third Legislature; that \$50, or so much thereof as may be necessary, shall be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

WARREN,  
CARTER,  
COWELL,  
REAL,  
CONNER.

The above report was read and adopted.

#### REFUSED TO POSTPONE EXECUTIVE SESSION.

Senator Terrell moved to reconsider the vote by which the Senate agreed to go into executive session at 3:15 o'clock today.

On motion of Senator Clark the motion was tabled.

#### ADDRESS BY GOVERNOR COLQUITT.

Here the special committee appeared at the bar of the Senate, accompanied by Governor Colquitt, who addressed the Senate.

At the conclusion of Governor Colquitt's address, Senator Hudspeth moved that the time for the executive session be postponed until 3:30 o'clock today.

On motion of Senator Clark, the motion was tabled.

## EXECUTIVE SESSION.

The Chair announced that the hour had arrived for the Senate to hold executive session, and the Senate proceeded to executive session.

In executive session the following confirmations were made, as reported to the Journal Clerk by the Secretary of the Senate:

To be a member of the Board of Directors of the Agricultural and Mechanical College: Hon. J. Sheb Williams of Lamar county.

To be a member of the State Board of Health: Dr. T. T. Jackson of Bexar county.

To be a member of the Board of Managers of the Deaf and Dumb Institute: Hon. Robt. J. Eckhardt of Williamson county.

To be members of the Board of Managers of the State Orphans' Home at Corsicana: John S. Callicut and Walter Montgomery, both of Navarro county.

To be members of the Industrial Accident Board, as provided for by Chapter 179, General Laws of the Regular Session of the Thirty-third Legislature: Hon. Jos. D. Sayers of Travis county, to be chairman and attorney of said board, and Hon. W. J. Moran of Tarrant county, as the labor representative.

To be a member of the Board of Managers of the Confederate Home: Gen. Felix H. Robertson of Crawford, McLennan county.

To be members of the Board of Managers of the State Juvenile Training School at Gatesville: W. W. Sealy and M. M. Harris of Waco, McLennan county, Davis R. Hall of Gatesville, Coryell county; Dr. D. C. Homan of Oglesby, Coryell county; Mrs. E. W. Bounds of Marlin, Falls county, and Mrs. M. Cavett of Leon Junction, Coryell county.

To be members of the Board of Water Engineers: J. C. Nagle, College Station, Brazos county, to be chairman, and to serve six years, to represent water division No. 2.

John Wilson of Barstow, Ward county, to serve four years, and to represent water division No. 1.

E. B. Gore of Pharr, Hidalgo county, to serve two years, and to represent water division No. 3.

## Notaries Public.

Madison County—J. M. Brownlee, Madisonville.

Grimes County—Geo. D. Neal, Navasota; R. E. Barry, Mesa.

Polk County—B. F. Matthews, Jr., Dollardsville.

Cameron County—J. R. George, Rio Hondo; F. M. Paul, Rio Hondo; John Prentiss, La Feria.

Nueces County—Joseph Cohn, Corpus Christi.

Kleberg County—J. Wesley Hook, Kingsville; Lee Gordon, Kingsville; J. N. Shaw, Kingsville; Mont Rickey, Kingsville.

Matagorda County—Myrtle Morris, College Port; W. C. Foulks, Bay City; J. J. Harrison, Palacios; Laurie McClain, College Port; W. P. Willis, Palacios; John F. Perry, Bay City; J. W. Giffey, Bay City; Edwin Dedler, Bay City; F. C. Kent, Midfield; B. W. Trull, Midfield.

Brazoria County—O. F. Nugent, Sweeny; R. B. Loggins, Angleton; J. P. Sallee, Sweeny; T. L. Smith, Sweeny; A. R. Rucks, Angleton; J. S. Wilboan, Alvin; Geo. E. York, Pearland; W. A. Rowan, Chocolate Bayou; N. E. Winters, Angleton; J. H. E. Jephson, Alvin; W. D. Graham, Velasco; C. W. Massey, Pearland; Richard Crooks, Sweeny.

Harris County—George Graves, Houston; G. I. Turnley, Houston; Harry W. Freeman, Houston; Samuel Schwartz, Houston; J. J. Davison, Houston; L. P. Scarborough, Houston; Otto T. Schudemagen, Houston; O. R. Davenport, Spring; F. F. Fleming, Houston.

Fort Bend County—W. J. Meininger, Rosenberg; Edgar G. Wessendorff, Richmond.

Falls County—Mary Towers, Marlin.

McLennan County—Blair Stribbling, Waco; T. H. Lumpkin, Mart; Elbert L. Trimble, Mart; M. E. Compton, Waco; Ed. M. Ainsworth, Waco; O. M. Maxwell, Waco.

Anderson County—J. E. Jackson, Palestine.

Milam County—R. B. Pool, Cameron; L. J. Dostalick, Thorndale.

Grayson County—Mrs. Rowena Coover (widow), Sherman; W. H. Halton, Denison.

Dallas County—T. M. Brent, Dallas; E. Bomar, Dallas; J. J. Eckford, Dallas; Gussie Carter, Dallas; F. H. Crist, Dallas; R. Bernhard, Dallas; A. H. Knight, Dallas; John C. McLemore, Dallas; H. W. Kinnard, Dallas; V. B. Curtis, Jr., Dallas; E. P. Marshall, Dallas; H. N. Howell, Dallas; M. W. Douglass, Dallas; A. I. Hudson, Dallas; W. I. Phillips, Dallas; Rosser J. Coke, Dallas; J. L. Goggans, Dallas; J. W.

Cooper, Dallas; H. G. Lovejoy, Dallas; I. G. Ethridge, Dallas; A. P. Wilson, Dallas; E. H. Morgan, Dallas; W. B. Gentry, Dallas; Geo. Clifton Edwards, Dallas; R. H. Nesmith, Dallas; Nat L. Hardy, Dallas; Henry P. Edwards, Dallas; R. G. Smith, Dallas; W. A. Fosdick, Dallas; A. C. Wilson, Dallas; Lucile Coleman, Dallas; S. C. Lewis, Dallas; W. Gregory Hatcher, Dallas; W. C. Day, Dallas; W. H. Atwell, Dallas; Mary A. Trigg, Dallas; Garland Clark, Dallas; Fred V. Lowery, Dallas; Chas. S. Swindells, Dallas; A. N. Kirkpatrick, Dallas.

Rockwall County—H. M. Wade, Rockwall; J. P. Shelton, Rockwall; J. T. Bailey, Rockwall; Claude Isbell, Rockwall; Schuyler McGwier, Chisholm; Wayne Lowery, Fate; Lem Chisholm, Rockwall; J. D. Whitfield, Heath.

Cass County—J. S. McLeod, Atlanta; E. W. King, Atlanta; J. J. Ellington, Sr., Atlanta; D. W. Sutton, Cass; N. W. Stuckey, Cass; A. T. Baker, Douglassville; E. E. Braugher, Linden.

Grayson County—Emma Alverson, Sherman; Rowan Mills, Sherman; Miss M. V. McInerny, Sherman; Miss Maggie Wright, Sherman; H. M. Carson, Gunter; J. H. Higdon, Denison.

Atascosa County—R. H. Weatherly, Whitsett; C. R. Sutton, Pleasanton; R. R. Smith, Jourdanton; Hiram Allen, Jourdanton; W. M. Abernethy, Jourdanton; R. L. Witt, Jourdanton; J. L. Sullivan, Christine.

DeWitt County—F. W. Gaeggli, Cuero; J. C. Woodworth, Cuero; Dexter Diffie, Cuero; Chas. Mertens, Yorktown.

Jackson County—L. E. Ward, Edna.

Refugio County—T. W. McGuill, Vidauri.

Wilson County—Milton H. West, Floresville; W. O. Murray, Jr., Floresville; S. B. Carr, Floresville.

Atascosa County—R. A. Lackland, Jourdanton.

Victoria County—Oliver J. DeLano, Bloomington.

Rusk County—Sam Hunt, Henderson.

Shelby County—W. I. Powell, Center; Y. W. Rogers, Center.

Wharton County—James Huston, Wharton.

Harrison County—William Caven, Marshall; Sam B. Hall, Hallville.

Harris County—Henry M. Richter, Houston; Frank E. Crimmins, Houston; J. A. Ballowe, Houston; P. P. Ballowe, Houston; Sam T. Robb, Houston; Hilda Moser, Houston; Annie Abercrombie, Houston.

Galveston County—Allan E. Cameron,

Galveston; Richard C. Walker, Galveston; Miss Meta Schilke, Galveston; Jess Beck, Galveston; W. A. Newman, Galveston; Geo. F. Pierce, Galveston; W. E. Lewis, League City; J. P. Atkinson, League City; Gus A. Koehler, Galveston; E. C. Northern, Galveston.

Coleman County—W. Monroe Hooper, Goldsboro; Wade Golson, Coleman; Frank Murray, Coleman; Janie Dibrell, Coleman.

Brown County—Chas. Hayes, May; Thos. Leach, Brownwood.

Comanche County—W. H. Garrett, DeLeon; John Bunting, Rucker; Allen D'Spain, DeLeon.

Erath County—W. A. Creswell, Stephenville; Anna M. Alexander, Dublin.

Mills County—E. D. Brailey, Mullen.

Mitchell County—W. S. Stoneham, Colorado; Thos. Q. Mullin, Colorado; C. R. Earnest, Colorado.

Garza County—A. L. Duren, Post City.

Stephens County—W. J. Scott, Wayland.

Taylor County—R. L. Brookshier, Potosi; W. H. Graham, Abilene; P. B. Ford, Abilene.

Martin County—F. O. Aiken, Stanton; W. T. Daniel, Stanton.

Callahan County—R. L. Clinton, Putnam.

Nolan County—E. Daniel, Sweetwater; W. E. Jones, Roscoe.

Fisher County—W. B. Ferrell, Roby.

Jones County—Guy R. Halcomb, Anson; F. A. Adair, Stamford; N. J. Smith, Hamlin; H. E. Herriek, Lueders.

Kent County—W. N. Morrow, Jayton; I. M. Allen, Jayton; Salome Featherston, Jayton; W. M. Featherston, Jayton.

Lynn County—W. B. Slaton, Tahoka; J. B. Walker, Tahoka; C. E. Brown, Tahoka; C. H. Cain, Tahoka; H. M. Larkin, Tahoka; M. M. Herring, Tahoka; G. E. Lockhart, Tahoka; W. S. Swan, Tahoka; S. N. McDaniel, Tahoka; R. L. Davidson, Tahoka; A. B. Ellis, Tahoka; T. G. Marks, Pride; C. H. Doak, O'Donnell; J. N. Lemond, O'Donnell; R. S. Davidson, Tahoka.

Eastland County—Noble Gray, Rising Star; G. W. Hardin, Rising Star; R. L. Davenport, Eastland; Earl Conner, Eastland; J. O. Sue, Eastland; J. H. Bransford, Mangum; Dixie G. Stephens, Gorman; O. Y. Miller, Gorman; A. M. Curry, Pioneer.

Howard County—W. H. Ingram, Big Springs.

Palo Pinto County—B. P. Maddox, Grafard; J. H. Coleman, Mineral Wells;

W. O. Gross, Mineral Wells; R. B. Cousins, Jr., Mineral Wells; M. G. Vernon, Strawn; W. P. Thompson, Gordon. Scurry County—T. F. Baker, Snyder; W. T. Skinner, Snyder.

Orange County—J. W. Sherwood, Orange; W. A. Sims, Orange.

Jefferson County—Betty Palica, Port Arthur.

Midland County—Miss Dorothy Amann, Midland; F. F. Elkin, Midland; W. A. Dawson, Midland; T. C. Carrington, Midland.

Brazos County—Robt. Armstrong, Bryan.

Freestone County—T. G. Harkey, Kirven; J. W. Davis, Teague.

Hays County—Cecil M. Brown, San Marcos.

Robertson County—Mrs. Fannie Reese Pugh, Hearne.

Jefferson County—W. H. Campbell, Beaumont; Eugene G. Smith, Port Arthur; Simpson I. Dunn, Port Arthur; J. W. Fulbright, Beaumont.

Liberty County—M. T. Daniel, Liberty; W. T. Cherry, Cleveland.

San Augustine County—J. C. Fuller, San Augustine; Thomson McRae, San Augustine.

Jasper County—Miss Nannie Winton, Kirbyville; G. E. Richardson, Jasper.

Hardin County—Jim Antilley, Batson.

Newton County—E. O. Terry, Newton; A. A. Gunter, Newton.

Leon County—W. R. Rosser, Buffalo; R. A. Gayle, Centerville; Otho Youngblood, Normangee; J. H. Wood, Normangee; J. A. Sparks, Mormangee; R. T. Sparks, Jewett; P. L. Moore, Guys Store.

Madison County—Will W. Sharp, Madisonville.

Navarro County—E. F. Ousley, Kirens; P. O. Smith, Corsicana; W. D. Robinson, Corsicana.

Kaufman County—Chas. H. Carter, Terrell; Jerry M. Rutledge, Jr., Terrell.

Angelina County—L. H. Gray, Lufkin; B. Rolston, Lufkin; J. H. Clayton, Davisville.

Ellis County—Neil Erwin, Waxahachie.

Wharton County—W. L. Houseworth, Wharton.

Cherokee County—J. F. Noel, Alto; J. D. Harris, Dialville.

Trinity County—M. Satterwhite, Groveton.

Houston County—S. J. Dotson, Weldon; Winnie May Box, Crockett; C. L. Monk, Crockett; Tom Daly, Daly; Bob Conner, Ratcliff.

Anderson County—Don Barrett, Palestine.

Bowie County—J. W. McDaniel, DeKalb, R. 5.

Delta County—W. I. Bartley, Pecan Gap; J. C. Roberts, Pecan Gap; A. F. Stephenson, Pecan Gap, R. 1; J. M. Barnett, Cooper, R. 3.

Franklin County—H. Hunt, Mt. Vernon; G. E. Cowan, Mt. Vernon; P. C. Long, Mt. Vernon.

Hopkins County—J. F. Lindley, Peerless; J. H. Martin, Arbala; H. H. Miller, Sulphur Springs.

Red River County—W. S. Lawson, Avery; T. E. Banks, Clarksville; G. T. Holdaway, Clarksville; W. D. Ricketta, Clarksville; Roy A. Huffmaster, Clarksville; Geo. W. Whiteman, Clarksville; J. D. Fiveash, Clarksville; Jno. R. Webb, Clarksville; Bradley Mauldin, Clarksville; R. L. McMillan, Clarksville; Miss Sallie Shackelford, Clarksville; Guy Rickett, Clarksville; J. A. Proctor, Clarksville; Will Alsobrook, Clarksville; Miss Hannah Feezer, Clarksville; S. G. Williams, Blackney; G. C. Blissard, Cuthand; J. H. Hooker, Fulbright; Leo Perdue, Rosalie; A. L. Jones, Bagwell; Ben Brooks, Bagwell; Clyde Strickland, Bagwell; T. S. Caton, Bagwell; W. E. Duke, Lydia; Frank Upchurch, Dimple; H. W. Storey, Annona; J. W. Barnett, Bogata; Z. B. Moon, Bogata.

Titus County—Lode Miller, Winfield; O. W. Caudle, Winfield; J. M. Harris, Mt. Pleasant.

Van Zandt County—M. D. Blackburn, Canton.

Wood County—Gardner Mansell, Mineola.

Upshur County—L. L. Dean, Bettie; J. W. Truitt, Lafayette, R. 1; J. R. Warren, Gilmer.

Camp County—M. M. Smith, Pittsburg; O. A. Arnold, Pittsburg.

Ellis County—Howard W. Lovett, Midlothian; E. A. Maloney, Forrester; O. O. Chrisman, Venus.

Johnson County—Louella Hollingsworth, Cleburne; R. U. Hill, Cleburne.

Fort Bend County—A. M. Bunker, House.

DeWitt County—W. T. Browning, W. T. Cockerell.

Brooks County—Jno. C. North, Falfurrias.

Nueces County—W. C. Jones, Robstown.

Victoria County—W. E. Wilson, Victoria.

Jefferson County—W. S. Cooke, Pt. Arthur; A. L. Nelson, Beaumont.

Van Zandt County—Chas. L. Hubbard, Canton.

El Paso County—Henry Jerrell, El Paso.

Navarro County—T. D. Sisk, Barry.

Limestone County—A. W. Jowers, Coolidge; L. D. Oliver, Groesbeck.

Gray County—Earl Hurst, McLean.

Wheeler County—H. H. Tate, Shamrock.

Hemphill County—W. A. Palmer, Canadian.

Roberts County—H. A. Talley, Miami; J. W. Burks, Miami; Troy Smith, Miami; Roy Trowbridge, Miami.

Hale County—T. W. Sawyer, Plainview; Thornton Jones, Jr., Plainview.

Castro County—Beecher Rowan, Dimmitt.

Parmer County—A. W. Henschell, Friona; S. G. Bratton, Farwell.

Collingsworth County—Carl Rountree, Wellington.

Knox County—J. S. Kendall, Munday; Milton Clendenin, Munday.

Deaf Smith County—L. W. Hough, Hereford; F. E. Walker, Hereford; C. E. Walker, Hereford; Geo. F. Caylor, Hereford; Jno. W. Sherman, Hereford.

Wilbarger County—Clois L. Greene, Vernon; Cecil Storey, Vernon; S. A. L. Wilson, Vernon; H. B. Farrell, Vernon.

Wichita County—Bernard Martin, Wichita Falls; John Davenport, Wichita Falls; H. Y. Newsum, Wichita Falls; J. T. Butts, Wichita Falls.

Hall County—R. P. Price, Memphis.

Dickens County—W. D. Wilson, Spur.

Donley County—C. D. Akers, Clarendon.

Dallas County—Geo. A. Brewer, Dallas; Jas. F. Casper, Dallas; Homer B. Fisher, Dallas; Louis Turley, Dallas; E. B. Bluit, Dallas; Irvin B. Bluit, Dallas; A. C. Moser, Dallas; Mrs. Bennett Haralson (widow), Dallas.

Bexar County—J. C. Hopwood, Myrtle Bryant; E. L. Parchman, San Antonio; Isidoro R. Flores, San Antonio; Chas. J. Matthews, San Antonio; C. M. Smith, San Antonio; D. A. Smith, San Antonio.

McLennan County—W. J. Sinclair, Waco.

Hunt County—J. D. Jernigan, Commerce; J. W. Pyle, Celeste; R. F. Akridge, Wolfe City; Vernon Myrick, Wolfe City; D. N. Hargrave, Commerce; C. R. Fuller, Commerce; R. C. Hill, Commerce; N. O. Norwood, Greenville; Jas. W. Bassett, Greenville; C. D. Poole, Greenville; J. L. Carroll, Greenville.

Collin County—W. J. Freeman, Copeville; M. E. Mallow, McKinney.

Victoria County—J. C. Everton, Victoria; S. A. Pool, Bloomington.

Goliad County—Otho Baxter, Berclair; R. L. Webb, Berclair; B. B. Nicholson, Goliad.

Calhoun County—D. H. Lamkin, Green Lake; J. W. Trulove, Sea Drift.

Ellis County—Lee Gammon, Waxahachie.

Dallas County—Fred V. Lowrey, Dallas.

Travis County—Maud Armstrong, Austin; Miss M. F. Armstrong, Austin; W. V. Howerton, Austin; Grace Ward, Austin.

Williamson County—Hunter O. Metcalf, Georgetown; A. S. Fisher, Jr., Georgetown.

Nueces County—Jos. A. Cone, Corpus Christi; Arnold J. Shary, Corpus Christi; A. J. Rosenthal, Corpus Christi; P. L. Townes, Corpus Christi.

Lamar County—Chas. Dupree, Cunningham; A. B. Sorrels, Paris; J. M. Barr, Paris.

Brown County—Thomas Leach, Brownwood; Ward McConnell, Brownwood.

Lee County—P. J. Alexander, Giddings.

Victoria County—Oliver J. Delano, Bloomington.

Washington County—Ella Werner, Brenham.

Galveston County—May Brick, Galveston; Jas. A. Hawkins, Galveston.

Coleman County—Frank Murray, Coleman.

Brazoria County—Elsie McCauley, Angleton.

Burnet County—Roy Fry, Burnet; Vernon Ramsover, Burnet.

Culberson County—E. C. Boyd, Kent; R. S. Hicks, Van Horn; E. C. Perry, Van Horn.

El Paso County—Harry Murry, El Paso; O. R. Armstrong, El Paso; A. L. Lathrop, El Paso; Walter E. Clarke, El Paso; John R. McCrummon, El Paso; Jas. McIntosh, El Paso; A. T. Threadgill, El Paso; Stella Capron, El Paso; W. J. Hood, El Paso; J. M. Langford, El Paso; W. R. Weeks, El Paso; M. A. Saucier, El Paso; Jno. T. Hill, El Paso.

Brewster County—G. P. Arnold, Marathon.

Lavaca County—Zack H. Jones, Yoakum.

Washington County—Miss Julia Rankin, Brenham.

Fannin County—Travis Lipscomb, Bonham; J. Hale Edwards, Bonham; Humphrey Lawrence, Ravenna; J. F. Black, Honey Grove.

Montague County—T. H. Yarbrough, St. Jo.

Denton County—J. E. Bonar, Denton; Luther Hoffman, Denton; Frances Miller, Denton; W. W. McClister, Denton; R. H. Rhine, Denton; W. G. Kimbrough, Krum.

Bastrop County—B. B. Wade, Elgin. Wise County—G. F. Boyd, Decatur; O. H. Tinsley, Park Springs.

Lamar County—L. W. Westham, Paris.

Jack County—G. S. McRoberts, Post Oak.

Navarro County—H. L. Stone, Corsicano.

Brooks County—John C. North, Falfurrias.

Colorado County—J. C. Kindred, Weimar; R. L. Williams, Weimar.

Grimes County—Winfree W. Meachum, Anderson.

Erath County—J. H. Renner, Chalk Mountain.

Somervell County—W. N. Holder, Glen Rose.

San Augustine County—J. C. Fuller, San Augustine.

Ellis County—P. B. Cind, Bardwell; P. B. Curd, Bardwell.

Hill County—Will M. Martin, Hillsboro; E. L. Routh, Irene; J. B. Burns, Irene.

Wharton County—Lillian Davis, Atherton.

Haskell County—F. L. Daugherty, Haskell.

Kleberg County—Lee Gordon, Kingsville; J. N. Shaw, Kingsville.

Cameron County—H. E. Johnson, San Benito; D. F. Johnson, Harlingen; J. L. Kowalski, Brownsville; J. O. Prentiss, San Benito; Crisanto Villareal, Brownsville.

Bowie County—C. M. Henry.

Harris County—Alex. Morris, Houston.

Dallas County—C. A. Carden, Dallas; C. A. Gardner, Dallas.

Grayson County—Miss Maggie Wright, Sherman.

Bell County—Prentis Gregg, Belton; Malory P. Blair, Belton; C. C. Countess, Belton; Miss Hettie McCordle, Killeen; T. L. Miller, Nolanville; O. C. Cowan, Nolanville; H. Mize, Nolanville; Robert Pendleton, Troy; Miss Lucy Roeder, Temple; J. E. Brown, Temple; Violet Wagner, Temple; Roy Hudson, Killeen; Wm. Tatum, Belton.

Bosque County—E. L. Noble, Valley Mills; Ben B. McCollum, Valley Mills; H. W. Herring, Clifton; O. B. Cham-

bers, Walnut Springs; W. W. Siddons, Cranfills Gap.

Fannin County—A. L. Curtis, Windom.

Wichita County—E. W. Nicholson, Wichita Falls; C. E. Yarbrough, Wichita Falls; Ed. Yarbrough, Wichita Falls; W. J. Bullock, Wichita Falls; Edgar P. Haney, Wichita Falls.

Childress County—Joe M. Barnhart, Childress; R. G. Carroway, Childress; Robert L. Davidson, Childress; J. S. Dorn, Childress; A. H. Drake, Childress; W. G. Gross, Childress; T. L. Hardin, Childress; Chas. Kersey, Childress; U. S. Weddington, Childress; C. A. Williams, Childress.

Motley County—Willie L. Renfrow, Matador.

Montgomery County—John D. McCall, Willis.

Walker County—M. E. Gates, Huntsville.

Denton County—F. F. Hill, Denton; J. W. Erwin, Denton; Oscar Z. Underwood, Denton; Paul Bird, Denton; L. Fulton, Denton; Luther S. Hoffman, Denton; Luther Hoffman, Denton.

Montague County—J. M. Donald, Bowie.

Johnson County—R. N. Hill, Grandview.

Brazoria County—Esther B. Reynolds, Sweeney; Geo. E. York, Pearland.

Bexar County—Arthur J. Vogt, McDonna; Francis R. Howard, San Antonio; M. H. Flores, San Antonio; C. M. Stone, San Antonio; Mrs. Kate M. Caldwell, San Antonio; Ike Zoellner, San Antonio; C. R. Davis, San Antonio; Myrtle Bryant, San Antonio; Isidoro R. Flores, San Antonio; Chas. J. Matthews, San Antonio; A. T. Campbell, San Antonio; J. C. Hopwood, San Antonio; C. B. Parchman, San Antonio.

Kerr County—S. J. Scott, Kerrville; A. H. Moore, Kerrville.

Hardin County—William Earnest, Silsbee.

Galveston County—P. D. Cornell, Galveston.

Burleson County—W. J. Farmer, Somerville.

Lamar County—L. V. Larsen, Paris; Charles House, Paris; Wm. House, Paris; A. B. Sorrells, Paris.

El Paso County—Howard M. Maple, El Paso; L. E. Mahoney, El Paso; W. B. Day, El Paso; E. R. Lee, El Paso; J. T. Smith, El Paso; D. G. Heineman, El Paso; J. Fred George, El Paso; J. C. Clark, El Paso; Thos. F. Burr, El Paso; G. B. Cathey, El Paso; Stella Capron, El Paso; Miss Minnie Nance, El Paso;

Jas. W. Givan, El Paso; Dexter R. Maple, El Paso; Nettie L. Rowlin, El Paso.

Maverick County—R. T. Morgan, Eagle Pass; E. R. Rice, Eagle Pass; B. W. Baker, Eagle Pass.

Presidio County—C. R. Sutton, Marfa; E. H. Grindstaff, Marfa.

Pecos County—W. A. Hadden, Ft. Stockton; R. D. Wright, Ft. Stockton.

Reeves County—Nicholas Pfeiffer, Pecos; A. J. Wilson, Pecos.

Travis County—A. F. Lockhart, Austin; T. B. Weed, Austin; B. Pledger, Manor.

Calhoun County—J. W. Trulove, Seadrift.

Wilson County—S. B. Carr, Floresville.

Victoria County—W. E. Wilson, Victoria.

Lamar County—S. A. Griffith, Paris.

Hayes County—Howard D. McElroy, San Marcos; Ned Oldham, Wimberley.

Guadalupe County—Max Starcke, Seguin.

Nueces County—Jos. A. Cohn, Corpus Christi.

Hunt County—Miss Doxie McPherson, Greenville.

Collin County—Jas. M. Muse, McKinney; J. Russell Muse, McKinney.

Williamson County—H. Zdaril, Taylor.

Wilson County—Paul H. Brown, Floresville.

Tarrant County—E. J. Archinard, Ft. Worth; E. S. Birdsong, Ft. Worth; Lena Hollis, Ft. Worth; J. G. Butts, Ft. Worth; Miss Johnnie Lee Johnson, Polytexnic; J. L. Johnson, Arlington; Jno. S. Estill, Grapevine; Patrick Henry, Ft. Worth; Ben S. Baldwin, Ft. Worth.

Parker County—M. L. Grandstaff, Springtown; M. D. Plumlee, Weatherford; D. M. Plumlee, Weatherford.

Hood County—Sam G. Lemon, Cresson.

Wise County—Embry Williams, Decatur; H. E. Lobdell, Bridgeport; Karl Andrews, Paradise; T. L. Ball, Decatur.

Nacogdoches County—E. B. Lewis, Nacogdoches; V. E. Middlebrook, Nacogdoches; L. B. Mast, Nacogdoches; J. L. Chandler, Appleby.

Bexar County—J. G. Chilcoate, San Antonio.

Hidalgo County—C. B. McCormich, Edinburg.

Houston County—J. L. Lipscomb, Crockett; Ernest McLemore, Kennard; J. R. Conner, Ratcliff; J. L. Russell, Druso; Jno. W. Shaw, Weches; F. M. Patton, Creath; W. B. Creath, Creath;

W. G. Creath, Crockett; R. G. Cypers, Kennard; S. D. Ratcliff, Ratcliff.

Harris County—R. C. Glenn, Houston.

Dallas County—Arthur Arant, Dallas; Marc Anthony, Dallas.

Orange County—J. W. Sherwood, Orange; W. A. Sims, Orange.

Denton County—J. W. Johnson, Denton.

Brazos County—Robt. Armstrong, Bryan.

Grayson County—C. O. Stewart, Denison.

Bexar County—Robert W. B. Terrell, San Antonio; E. F. Hunter, San Antonio.

Harris County—J. F. Hays, Pasadena.

Tarrant County—Ben S. Baldwin, Ft. Worth.

Hayes County—J. H. Saunders, San Marcos.

Madison County—C. W. Wells, Madisonville; J. M. Brownlee, Madisonville.

Leon County—M. Cundiff, Centerville; J. H. Wood, Normangee.

Maverick County—B. W. Baker, Eagle Pass.

Bexar County—M. V. Pool, San Antonio; W. R. Burgess, San Antonio; C. B. Parchman, San Antonio; Arthur M. Gray, San Antonio; Edwin F. Vanderbilt, San Antonio; Thos. M. Mills, San Antonio.

Lavaca County—P. R. Plumb.

Travis County—W. T. Williams, Austin.

Smith County—Miss Iva Rotschild, Tyler.

Jefferson County—Betty Palica, Ft. Arthur.

Milam County—S. M. Burns, Jr., Cameron.

Tarrant County—Ben S. Baldwin, Ft. Worth; G. T. Bludworth, Ft. Worth; C. M. Mitchell, Ft. Worth; R. T. Dorsey, Fort Worth.

El Paso County—R. Montijo, El Paso; R. A. Edmonds, El Paso; Tom B. Newman, El Paso; L. C. Miller, El Paso; Robt. M. Jackson, Clint.

Grayson County—P. O. French, Denison.

Williamson County—Albert S. Evans, Georgetown.

Frio County—Robt. W. Hudson, Jr., Pearsall.

Wilbarger County—R. S. Houssels, Vernon.

Lampasas County—P. B. McCoury, Lometa.

Bexar County—A. M. Klaerner, San Antonio; Stanley Banks, San Antonio.

Galveston County—P. D. Cornell, Galveston.

Brazoria County—Geo. E. York, Pearland.

Limestone County—T. W. Hudson, Groesbeck.

Eastland County—Geo. Vaught, Eastland.

Hayes County—Cecil M. Brown, San Marcos.

Webb County—Carlos Valdez, Laredo; A. Mowry, Laredo.

Menard County—S. C. Rowe, Menardville.

Nueces County—Arnold J. Shary, Corpus Christi.

Wise County—W. E. Munn, Boyd.

Travis County—Hal Hailey, Austin; L. C. Sutton, Austin.

Live Oak County—E. B. Hobson, Simmons.

Frio County—J. W. Ward, Dilley; R. W. Hudson, Jr., Pearsall.

Navarro County—Thos. N. Watkins.

Travis County—Warren W. Moore, Austin; Percy McDannell, Austin; A. M. Schrader, Austin; A. D. Williams, Creedmore; W. L. Hartung, Austin; G. B. Rogers, Austin; Richard Corner, Austin; L. F. Shelton, Austin; Miss Addie N. McClellan, Austin; Miss Mamie Shigar, Austin.

Dallas County—J. W. Kincaid, Dallas; H. N. Howell, Dallas; J. J. Stein, Dallas.

Galveston County—T. S. Russell, Galveston; Richard C. Walker, Galveston.

Harris County—G. H. Stubblefield, Houston; Otto T. Schuddemagen, Houston.

Ellis County—King Chas. Gaston, Ennis.

Bee County—Chas. Troy, Beeville; J. F. Dibrell, Skidmore; W. B. Soyars, Skidmore; J. P. Nedbalek, Skidmore; R. W. Sparks, Skidmore; D. G. Madray, Skidmore.

#### IN THE SENATE.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That Sec. 3 of the Resolution on page 282 of the Senate Journal be so amended as to hereafter provide that the Chairman of the Committee on Privileges and Elections, Hon. T. H. McGregor, in lieu of the Chairman of the Committee on Contingent Expenses be authorized and directed to issue proper vouchers to the

sheriff or other officer who served the subpoenas on witnesses, which shall be the authority of the Comptroller to issue warrants therefor upon said officers filing with said Hon. T. H. McGregor a sworn account of the number of witnesses served and the number of miles actually and necessarily traveled in the service of said contest.

The resolution was read and adopted.

#### HOUSE BILL NO. 18, REPORT OF FREE CONFERENCE COMMITTEE.

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, Revised Statutes of 1911, so as to provide that prisoners of the State Penitentiary System need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, to amend Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, only to the nearest depot to the point from which sentenced or an equal distance," with Senate and House amendments thereto, beg leave to report that we recommend that the same do not pass, but that the following Free Conference Committee substitute bill be passed in lieu thereof.

WARREN,  
HUDSPETH,  
WILLACY,  
BRELSFORD,  
COLLINS,

On the part of the Senate.

HUMPHREY,  
BURMEISTER,  
DODSON,

On the part of the House.

Free Conference Committee substitute for House bill No. 18, with Senate and House amendments, a bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; providing



for the management and control of such prison system; providing for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners shall be permitted to testify as qualified witnesses in certain instances; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the conduct and government of such prison system; providing for a board of Prison Commissioners and a General Manager, and providing for their appointment and for the powers, duties and authority of said Prison Commissioners and General Manager; and providing for the terms of service of the said board and said General Manager, and fixing their compensation; providing that titles for all real estate and other property owned by the prison system shall vest in said prison system; providing for the appointment of an auditor for said prison system, and prescribing his duties; prescribing penalties for the violation of the provisions of this Act; prescribing penalties for the selling or giving of intoxicating liquors or drugs to convicts; prescribing penalties for receiving money or other thing of value to secure pardon of convicts; declaring the wealth earned by the prison system over and above the cost of operation and maintenance to be the rightful property of the wife and child of said prisoners if there be such wife and child, with certain exceptions, or, under certain circumstances of the prisoners themselves; providing for the classification of all prisoners and units of labor value, defining the word child for the purpose of this Act; providing for the appointment of a guardian for the children of such prisoners where no guardian has been appointed, declaring that State prisoners are wealth earning units held in trust by the State for the benefit of himself or herself or of his or her dependents; providing for the apportionment of the net proceeds of the prison system among the prisoners according to the value of service performed, and for the disposition of certain apportionment; providing for a prison labor fund and for the disposition of said fund; prescribing credits on terms of sentence of prisoners for good conduct; providing the manner in which prisoners may be classified, rewarded and punished; providing certain restrictions as to the purchase and sale of land for said prison system; fixing limitations upon expenditures of prison funds for certain purposes; making an appropriation for the use of the prison

system; providing that all proceeds of the prison system shall be deposited in the State Treasury, and providing the manner in which same may be expended and providing that if any part of this Act shall be declared invalid such declaration shall not affect any other provision hereof; providing that the provisions hereof shall not affect nor apply to the indeterminate sentence law except in certain cases; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and be given opportunity, encouragement and training in the matter of reformation, and that the net proceeds of the prison system, arising from the labor of the prisoners, shall be apportioned among said prisoners by the Prison Commission, according to classification as provided for in subdivision (c) of this Act and paid to the wife of said prisoner, if there be a wife, for the use of said wife and children, if any, or, if there be no children, then for the benefit of said wife, provided; that should the wife of said prisoner be not living or be divorced, or if said prisoner be a woman, then the apportionment of net proceeds as provided for herein shall be paid to the guardian of said children, if there be such guardian, and if there be no guardian, then to some reliable person selected by the Prison Commission, for the benefit of said children; and, provided, further, that should the prisoner have neither wife nor children, then the said apportionment may be paid to the mother, or other female relative, as the said prisoner may direct in writing to the Prison Commission, provided, that not to exceed twenty per cent of said apportionment may be retained by said prisoner upon his written request to the Prison Commission.

In the event that any prisoner has neither wife nor children and has not requested in writing to the Prison Commission that his apportionment be paid to his mother or other female relative, nor revoked any such request theretofore made, then it shall be the duty of the Prison Commission, and the same is hereby directed, to remit to the State Treasurer the amount apportioned to

each such prisoner within fifteen days after said apportionment is made, by check or draft upon any funds to the credit of the Prison Commission account. The State Treasurer shall act as bailee for said prisoners and shall receipt for such remittances and hold same as a fund to be hereafter known as "The Prisoners' Labor Fund," which shall be kept separate and apart from all other funds and deposited, at interest, for the benefit of said prisoner, or prisoners, in accordance with the provisions of Chapter 164 of the Acts of the Twenty-ninth Legislature, known as "The State Depository Law."

(a) For the purpose of this act, the word "children" as used herein, shall be construed to mean either plural or singular.

(b) Any prisoner having an amount to his or her credit in the prisoners' labor fund, who shall escape from the prison authorities, shall forfeit such amount to his or her credit to the State. Upon proof provided by the Prison Commission that a prisoner, having any sum to his or her credit, in the Prisoners' Labor Fund has escaped, the State Treasurer, acting as bailee, is hereby directed to transfer said account to the credit of said prisoner, from the Prisoners' Labor Fund to the general revenue in the State Treasury.

(c) Any prisoner being a life prisoner who shall have a credit to his account in the Prisoners' Labor Fund, and who may not be paroled or pardoned, or any prisoner, having such credit in the Prisoners' Labor Fund who shall die, having no wife or children, shall have the right to bequeath to any person whomsoever he may select, the amount to his or her credit in said fund; provided, that if no such bequest be made then the said amount to his or her credit in said fund shall revert to the State and be covered and transferred by proper voucher into the general revenue.

(d) For the purposes of this act, it is hereby declared that all State prisoners are wealth earning units held in trust by the State for the benefit of the dependent wives and children, if such there be, of said prisoners, or, if there be no dependent wife or children, then for the benefit of the prisoner himself, or herself, as the case may be, and that the wealth created by said prisoners, over and above the cost of operating and maintaining the prison system, is the rightful property of the dependent wives and children of said prisoners, except as herein provided.

(e) For the purposes of equitable proportion and apportionment of any surplus earned by the prison system arising from the labor or service performed by State prisoners, over and above the cost of maintenance and operation of said system, the following percentage of labor value shall be used: For common labor, each day's work shall constitute one unit; for intermediate labor, each day's work shall constitute two units; for skilled labor, each day's work shall constitute three units. At each apportionment period, the total net proceeds of the prison system shall be divided by the total number of units as represented by the labor performed by all prisoners since the last preceding apportionment, and the quotient shall be the money value of each unit. After ascertaining the unit value, each prisoner shall be apportioned a sum equal to said unit value multiplied by the number of units represented by the labor performed by said prisoner since the last preceding apportionment and the product shall be the apportionment of net proceeds of said prison system to be credited to said prisoner and disposed of as provided for in section one of this act; provided, that the first apportionment shall be calculated upon the labor performed between the date of said first apportionment and the date of taking effect of this act; provided, that no units shall be allowed except for such days, or parts of days, during which actual labor has been performed under the direction of the officers or managers in charge; provided, that before distribution of any net profits as hereinbefore provided, there shall be set aside 10 per cent of said net profits as a surplus fund, and provided that said surplus fund shall be available for the purpose of meeting, in whole or in part, any deficit that may arise in the operation of said system, and, provided, that the said surplus fund shall be disposed of by the Legislature as it may determine.

(f) The Prison Commission is hereby directed to classify all convicts as herein defined as soon as same may be done according to the value of the labor or service performed and to provide rules for promotion or reduction from one class to another as the labor or service performed becomes more or less efficient, providing thereby a system of promotion as a reward and encouragement for earnest effort upon the part of the convict wards of the State that they may become proficient in some useful occupation.

(g) As often as practicable, and at periods not less often than twelve months apart, the Prison Commission shall ascertain as near as possible the surplus arising from the labor of the State's prisoners, over and above the cost to the State for the period intervening since the last apportionment, and shall apportion said surplus as provided in Section 1 of this act; provided, that the first apportionment shall be made on January 1, 1914, after this act takes effect, and annually thereafter on the first day of January of each year.

(h) Immediately after the taking effect of this act, the Prison Commission shall ascertain, as near as possible, the name and residence of the wife of each State prisoner, if there be such wife, and if there be no wife, then of the children and their guardian, if any, and make a record of same. As soon as apportionments are made, as provided for in subdivision (c) of this act, the Prison Commission shall issue a voucher upon the prison account in favor of the beneficiary as provided herein, which voucher shall be authority for the State Treasurer to pay to said beneficiary, by warrant drawn upon the prison account, the amount specified in said voucher. All vouchers shall be numbered consecutively and filed by the State Treasurer and kept subject to inspection by the Legislature and the Governor, or by their authority; provided that in the case of prisoners having neither wife nor children, nor any female relative to whom he or she has bequeathed that his or her apportionment be paid, then such apportionment shall be paid by voucher upon the prison account into the Prisoners' Labor Fund for the benefit of such prisoner, as provided in Section 1 of this act.

(i) Any prisoner who shall exercise his or her right to retain twenty per cent of his or her apportionment shall have the privilege of depositing all or any part of it in the Prisoners' Labor Fund, said deposit to be subject to his or her disposition and direction; provided, that in the event of the death of such prisoner, the amount so deposited in the Prisoners' Labor Fund shall be paid to the wife of said prisoner or to his or her children according to the provisions of Section 1 of this act.

(j) Should any prisoner, having an account to his or her credit, in the Prisoners' Labor Fund, be paroled or conditionally pardoned, it is hereby made the duty of the State Treasurer, upon proof of the issuance of said parole or condi-

tional pardon, to pay to said paroled or conditionally pardoned prisoner one-half the amount to the credit of said paroled or conditionally pardoned prisoner, in the Prisoners' Labor Fund, the remainder to be paid to said prisoner upon the expiration of his or her term of sentence, whether said term expires by process of time or by pardon; provided, that if said credit in the Prisoners' Labor Fund represents, in whole or in part, the twenty per cent of apportionment retained by said prisoners, as provided for in Section 1 of this act, then the State Treasurer shall issue a warrant for the full amount of said credit in favor of said paroled or conditionally pardoned prisoner.

(k) In ascertaining the proceeds of the prison system over and above the cost of maintenance and operation, the Prison Commission shall not consider nor charge any interest upon the value of the prison system as the same now exists; provided, however, that interest at not to exceed five per cent may be charged and included in the cost of maintenance upon all future enlargements and betterments; and provided, that the cost of enlargements and betterments, including clearing and ditching land, the erection of buildings and the purchase of land, shall be provided for by direct appropriation out of the general revenue in the State Treasury by the Legislature or by the proceeds of the issuance and sale of bonds as may be authorized by law, and that said enlargements and betterments shall not be charged against the proceeds of the prison system, it being the purpose of this act that the State of Texas shall not acquire property, or profit, at the expense of the State's convicts, nor of their dependent wives and children.

(l) All prisoners physically able to perform ordinary labor, who shall refuse to perform the labor assigned them by proper officers, or managers, shall have charged against them, which sum shall be deducted from the total value of their labor units, a charge equal, as near as may be determined, to the cost of his or her maintenance and support for the period of time such prisoner may refuse to work.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are or

may hereafter be kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the prison walls and upon farms owned or controlled by the State, and in no event shall the labor of the prisoners be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked upon any farm, or place other than that owned or controlled by the State of Texas, except as hereinafter provided.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be six years from date of appointment, except those first appointed under this act, who shall hold their offices, respectively, for two, four and six years from the date of their appointment and qualification. Their terms to be decided by lot, after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office, the Governor of this State shall fill said vacancy for the unexpired term thereof. Two members of said board shall constitute a quorum for the transaction of business, and its proceedings shall be entered of record and kept in a well-bound book. It may appoint a secretary to keep a record of its proceedings, to receive such compensation as the board may determine, provided the Legislature does not otherwise provide. Each member of the Board of Prison Commissioners shall be paid a salary not to exceed twelve hundred dollars per annum in monthly installments of one hundred dollars, and in addition thereto, they shall be paid all actual and necessary traveling and other expenses incident to the performance of their official duties. Said commissioners shall be required to devote only so much time to the business of the prison system as may be necessary for the best interest of said system. No member of said commission shall be required to reside at any particular place, but each member of said commission shall have the right to the use of one of the residences

owned by the prison system. No member of said Board of Prison Commissioners shall be disqualified to serve as such except in instances where such commissioners are engaged in business or pursuit that would furnish supplies and material to, or entering into any contract with the State prison system. The payment of the expenses herein provided for shall be made by the Comptroller's warrants based upon sworn statement of actual expenses incurred. A copy of said sworn statement to be retained in the office of the Prison Commission, and a copy to be furnished the Comptroller of public accounts.

Sec. 5. Each member of said commission shall within ten days after his appointment, execute a bond payable to the Governor of this State and his successors in office for the use of the State in the sum of ten thousand dollars, and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State; which said bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on by the State from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, until his successor shall be duly qualified, and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default, or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis County, Texas, for the forfeiture and collection of said bond, and, before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

Sec. 6. The said board shall have the general management and control of the prison system of this State and of all convicts sentenced to the penitentiary, whether within or without the walls thereof. It may provide for all contracts for the building of any new penitentiary buildings, and for any addi-

tions, repairs and improvements necessary to be made in connection with the penitentiary or convict system of this State which shall cost not more than one hundred thousand dollars with the understanding that the Governor may create a deficiency in case of extraordinary circumstances for the erection of buildings. No member of said board nor any officer or employe of said prison system shall be directly or indirectly connected with any contract, sale or purchase of any property, or sale or any transfer shall be made during his term of office and in which either the State or the prison system are interest. Any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office and shall invalidate any such contract to or in which such commissioner, officer or employe was a party.

Sec. 7. The said Prison Commission shall be vested with the management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent, and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and if permitted it shall be grounds for removal from office.

Sec. 8. The Prison Commission shall select one of its members as chairman, and no order of the commission shall be effective unless approved by two of the members of the said commission who shall constitute a quorum for the transaction of business. The commission shall keep, or cause to be kept, in a well-bound book a minute of the proceedings of all matters held by them; and all official actions of the Commission shall be recorded in said book. All orders promulgated by the commission shall be issued through the chairman who shall be charged with the duty of executing all orders of the commission, and the chairman shall be charged with the enforcement of all policies of the commission, in accordance with the rules that may be adopted for the control of the prison system, except as the commission by official order duly recorded shall direct otherwise.

Sec. 9. The Prison Commission shall as soon as this act takes effect select a general manager of the prison system, who shall have the active conduct of the business transactions of the prison sys-

tem in accordance with the policies, rules and regulations established by the Prison Commission, and he shall have full authority to manage and control the prison system in all its business activities subject only to the control of the Prison Commission; and such general manager shall be elected annually by the Prison Commission and shall receive \$5000 per annum and expenses as provided of this act.

The general manager shall within ten days after his appointment execute bond payable to the Governor of this State and his successors in office for the State in the sum of \$50,000 and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding company authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by and the same shall be filed with the Secretary of State, which said bond shall not be void on first recovery of part or the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty, thereon, and may be sued on from time to time by the State, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General upon notice of the default or failure to perform the duties as contemplated by law by the said general manager, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond. And before entering upon the duties of his office the general manager shall take and subscribe the oath of office prescribed by the Constitution of the State.

In the selection of a general manager, the commission shall not be confined to citizens of the State of Texas, and no member of the commission shall be eligible to the position of general manager during the term of office for which he was appointed, nor for two years thereafter.

Sec. 10. No lands shall be purchased by the Prison Commission, nor shall any lands be sold by said Prison Commission, except upon authority first received from the Legislature, and no such authority shall be granted except upon application made to the Legislature in

writing by the Prison Commission. Said application shall state the number of acres to be offered for sale, or purchase, the location and character of said land, the improvements thereon, if any, and the price and terms upon which the same is being offered, or to be offered, for sale or purchase; provided, that all proposals either to purchase any land for the prison system or to sell any land belonging to the prison system, before being submitted to the Legislature, shall first be advertised for a period of not less than thirty days in three or more newspapers having general circulation in the territory where such land is situated. Provided, the Prison Commission is hereby authorized to take options for the purchase of such lands, as may be deemed necessary without cost to the State, in excess of \$10.00, and in no case shall any option which may be rejected by the Legislature create or give rise to any obligation against the State or against the prison system. Provided, that neither the general manager or the Prison Commission, nor any other authority shall inaugurate any industry, or industries, the cost of which shall aggregate more than the sum of \$100,000.00 without the expressed approval and authority of the Legislature; nor shall it buy, construct, sell, tear up, dismantle or abandon any railroad or part of railroad, without expressed and specified authority from the Legislature.

Sec. 11. The Prison Commission shall as soon as practicable, employ all male prisoners, physically able and not otherwise employed, in clearing the uncleared timber land of the prison system, and preparing the same for cultivation, thereby providing permanent employment for large numbers of prisoners on land owned by the State. It is hereby specifically provided that land, the title of which is not in the State or the prison system, shall not be cleared of brush, stumps, or timber, nor shall such land be improved either as above stated or by the erection of permanent improvements, by the prison system, under the terms of new contracts or leases, it being one of the purposes of this act to divorce the operations of the prison system from all private interests of every character; provided, that in case the State should not have enough land available for the employment of convicts upon State farms, and it should be necessary to procure the use of any farming lands for the employment of such convicts, then the general manager, with the con-

sent of the Prison Commission, may rent or lease such lands as may be necessary. The price paid for the rented or leased land, in no case to exceed the usual and customary price.

Sec. 12. The Prison Commission is authorized and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be hereafter acquired, all necessary modern, well ventilated prison buildings, with proper bathing facilities and all necessary sanitary water-closets and other sanitary arrangements, within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels, and other necessary conveniences for the benefit of the prisoners.

Sec. 13. The general manager shall have the power to sell and dispose of all farm products, and the products of all factories connected with the prison system, and all personal and movable property at such price, and on such terms as may be deemed best by him. The Prison Commission, or general manager, shall, in the purchase or sale of any machinery for the equipment of the prison system, exceeding in value the sum of five thousand dollars, advertise in the manner prescribed by the Prison Commission for bids for such property in at least three daily papers in this State, having a general circulation, at least thirty days before any such contract is let.

Sec. 14. On Monday of each week the general manager, herein provided for, shall remit to the State Treasury all money received by him, as such, from whatever source, including proceeds of accounts receivable, or bills receivable, now or hereafter held by the Prison Commission, which remittances shall be paid into the general revenue on deposit warrants issued by the State Comptroller; provided, that the said general manager with the approval of the State Comptroller is hereby authorized to draw upon the State Treasury for such sum, or sums, so that he may have on hand not to exceed one thousand dollars for the purpose of paying incidental expenses of the prison system.

For the years beginning September 1, 1913, and ending August 31, 1915, there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the maintenance and support of the prison system, and all other expenditures necessary to the operation of the prison system the

sum of one hundred thousand dollars for the year ending August 31, 1914, and the sum of one hundred thousand dollars for the year ending August 31, 1915, and in addition thereto, there is hereby appropriated out of the general revenue in the State Treasury, not otherwise appropriated, for the period beginning September 1, 1913, and ending August 31, 1915, a sum equal to all the revenue deposited in the State Treasury arising from the sale of all products of the State farms, factories and any other source or activity of the prison system, including bills receivable, and accounts receivable of every character during the period of time for which this appropriation is made: less such sums, if any, as may have accrued, and be due to any prisoner or his dependents as provided for by Section 1 of this act.

Sec. 15. It shall be the duty of the Attorney General to prosecute and defend all actions in the several courts in this State in which the Prison Commission, or the property of the penitentiary, may be interested, and also to render to such Commission, or the general manager, advice and interpretation of the laws covering their respective legal duties, and no additional counsel shall be employed to represent said Commission, or general manager, except by and with the advice of the Attorney General, provided that the Prison Commission and the general manager, may employ local counsel for advice and assistance on local matters arising in the conduct of the system, but that no litigation shall be carried on, or defended, except under the authority and direction of the Attorney General.

Sec. 16. The Prison Commission may at any time issue such orders, and prescribe such rules and regulations for the government of the Prison Commission of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, or for such contingencies that may at any time arise, concerning the management of the prison system, or its proper and effective operation, and such rules and regulations shall be made with the view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all under officers, employes, and all persons whomsoever in any way connected with the State prison system, or its management, and its prisoners within and without the walls. The Prison

Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted wherever prisoners may be confined for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the laws, rules and regulations governing the prison system, and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain their knowledge of such laws, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the laws, rules and regulations of the prison system shall be dismissed from the service.

Sec. 17. It shall be the duty of some member, or members, of the Prison Commission to spend at least one whole day each month without notice at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing, and treatment of the prisoners; the general sanitary conditions existing at such prisons, camps or farms, reporting on such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 18. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiary at Huntsville by sheriffs of such respective counties, if such sheriffs are willing to perform such service as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the

penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at Huntsville, the Prison Commission shall cause a statement to be made by the prisoner giving a brief history of his life, and showing where he has resided, the names and postoffices of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall by correspondence or otherwise verify or disprove such statements if practicable, and shall preserve a record of the information so obtained for future reference.

Sec. 19. The Prison Commission shall cause to be made annually on the first day of January a full and complete inventory of all lands, buildings, machinery, tools, live stock and all other property of every description belonging to the prison system, and shall cause to be set opposite each item the book value, also the actual value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system, a system of books showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the first day of January to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system, and the methods of dealing with the convicts thereof. Such statements shall disclose the cost per capita of the maintenance and operation of each of the different industries, farms and enterprises of the system, and an equitable distribution of the overhead or general system expenses among the several departments.

Sec. 20. The Prison Commission shall provide a seal whereon shall be engraved in the center of a star of five points the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all of its official acts.

Sec. 21. The Prison Commission shall make or cause to be made a complete statement of the financial condition of the system once each quarter to the

Governor of the State; and said commission shall furnish or cause to be furnished a copy of said statement to the public press of the State at the time it is made to the Governor.

Sec. 22. On the taking effect of this act and annually thereafter there shall be appointed by the State Treasurer, Attorney General and Comptroller of public accounts an auditor for the prison system, who shall hold his office for the term of one year subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by, or distributed within, the prison system, and he shall make a full report thereof to the Governor on the first day of January of each year. Such auditor shall be subject to discharge at any time by the majority of those who have the authority to appoint him for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of those by whose authority he was appointed renders him unfit for said office, and in case of discharge or resignation of any auditor another shall be appointed. During the time of his service such auditor shall be paid monthly a salary of two hundred dollars per month and all actual and necessary traveling expenses to be paid at the end of each month out of any moneys to the credit of the prison system, such traveling expenses to be evidenced by itemized sworn statements by the auditor and filed with the board.

Sec. 23. Each member of the Board of Prison Commissioners, the general manager and auditor, in the discharge of their duties is authorized to administer oaths, to summon and examine witnesses and take such other steps as they deem necessary to ascertain the truth of any matter about which they may have the right to inquire.

Sec. 24. Within a reasonable time, and not later than one month after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners except as a mode of punishment for violations of prison discipline, substituting therefor some suitable uniform.

Sec. 25. The Prison Commission as soon as practicable shall provide at each prison farm and camp where prisoners are kept or worked schools for instruction of prisoners in elementary branches



of the English language and industrial education and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and they shall employ such number of competent teachers to instruct the prisoners as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, so far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 26. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked; they shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, and said chaplains shall devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practices of every Christian and moral duty, provided that chaplains may be teachers as provided for in this act.

Sec. 27. If any officer or employee of the prison system shall receive any money or value from any prisoner or any other person, directly or indirectly, for the purpose of securing a pardon or parole or attempting to secure such pardon or parole or aiding therein, he shall upon conviction be punished by confinement in the penitentiary for a period of not less than two nor more than ten years.

Sec. 28. If any person shall sell or give to any State convict or cause to be sold or given to any such convict any spirituous, vinuous or malt liquors or medicated bitters, capable of producing intoxication or any opium, morphine or

cocaine, except upon the prescription of a regular practicing physician, he shall upon conviction be punished by confinement in the penitentiary for a period of not less than two nor more than five years.

Sec. 29. If any member of the Board or Prison Commissioners shall be guilty of malfeasance or nonfeasance in office, or shall become incapable or unfit to discharge his official duty, or shall willfully fail, or refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by law.

Sec. 30. The Prison Commission shall, except as otherwise provided, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer or employee entitles him to, said salary to be paid monthly at the end of each month.

They shall pay to the general manager a salary of \$5,000 per annum, and his actual and necessary traveling expenses incurred in the performance of official duty, to be paid upon Comptroller's warrant against the State Treasury, based upon sworn statement of services rendered and expenses incurred in such form and manner as the Prison Commission shall direct, and the Prison Commission shall permit the general manager to occupy, free of rent, a residence belonging to the prison system.

Sec. 31. On the first day of the month following the date on which this act becomes effective the salaries of all new guards in the employ of the prison system shall not exceed twenty-five dollars per month, but the meritorious guards now in the employ of the prison system may be paid forty dollars per month; and thereafter for meritorious service and adaptability to the work of the prison system the Prison Commission may increase the pay of any guard at the rate of two dollars and fifty cents a month until a maximum salary of sixty dollars per month shall be attained.

No person shall be employed as a guard to guard convicts who is not at least twenty-one years of age, of good moral character, and who is not able to read and to write and has not a fair knowledge of the English language. No person shall be employed as a guard to guard convicts who uses intoxicating liquors.

Sec. 32. The Prison Commission may provide such other qualifications as they may deem expedient regarding the employment and discharge of guards, and

shall require all officers and employees connected with the prison system to familiarize themselves with and conform to the rules and regulations and law governing the prison system of this State, and shall require all officers and employees connected with the prison system to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 33. The Prison Commission is hereby authorized to bring and maintain all suits for recovery of any debt that may be due to the prison system and to defend any action that may be brought against the Prison Commission or any officer thereof involving the right to State property, or contracts affecting the prison system; provided, that venue of all suits brought by the Prison Commission is hereby fixed in Travis County, Texas; and provided further, that in all suits hereafter instituted against the prison system the venue is hereby fixed in Travis County, Texas. Nothing herein contained shall be construed to give any right to sue the Prison Commission.

Sec. 34. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions, and in sufficient quantity and reasonable variety, and they shall hold all under-officers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 35. The Prison Commission shall require, at the end of each month, reports showing fully the condition and treatment of the prisoners, and the changes in prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 36. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes

and incidents of importance that may occur during his confinement; and to the end that complete records may be kept, they may require from all under-officers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence and otherwise.

Sec. 37. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this title, to provide every reasonable and practicable means for the encouragement of such reforms. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another, from time to time as they may seem to merit promotion or reduction. The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner, upon entering the prison system, shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and

shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline, and for demotion of prisoners for misconduct, and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided. It shall be the duty of the Prison Commission to provide opportunity and encouragement for moral reform of the prisoners, and to this end the Prison Commission shall provide for the classification of prisoners into as many classes as may be deemed advisable and necessary; and provided, that incorrigible prisoners shall be segregated and kept apart from other prisoners; and provided further, that whites, Mexicans and negroes shall be kept separate and apart.

The Commission shall provide rules for promotion and reduction of prisoners and shall provide, specifically, for the extension or denial of privileges to the different grades of prisoners; provided, in order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane. Placing prisoners in stocks shall be prohibited. Whipping with not exceeding twenty lashes may be resorted to with incorrigible prisoners who cannot be made to observe the rules by milder methods of punishment. The strap used must be of leather and not over two and one-half inches wide and twenty-four inches long, attached to a wooden handle. No convict shall be whipped until same has been authorized by at least two members of the Prison Commission, or by the general manager of the prison system. Provided, that no order to whip a convict shall be issued until an affidavit in writing, signed by some credible person, shall be filed with the officer in charge of the convict, charging the convict with the violation of some rule of the penitentiary system and until the officer making the request for a whipping shall submit to the Prison Commission and general manager written evidence of the

charge of misconduct or violation of the prison rule upon which said request for an order to whip is based, which evidence shall be sworn to by the person or persons making the charge and approved by the manager, warden or foreman in charge of the convict. And the Prison Commission and general manager shall not sign any order to whip a convict until they have examined said written evidence and shall find that said convict has been guilty of the offense charged, and shall certify to that fact upon the minutes of the Prison Commission, and in every case the convict shall have the right to be heard and give evidence in his own defense and to have witnesses summoned and testify in his behalf, if any he has, and convicts shall have the right to testify, and the person making the complaint against said convict shall not execute said punishment order.

Provided, any employe of the prison system who makes a wilfully false affidavit against a prisoner, shall be at once dismissed from the service, and the fact of such false affidavit having been made shall be communicated by the Prison Commission to the grand jury of the county in which such affidavit is made, to the end that he may be prosecuted for false swearing, and upon written order, and such order so issued shall be executed only in the presence of a prison physician and a sworn report shall be made by the officer executing such order, to the Prison Commission, who shall keep a record of all such reports in a well-bound book to be kept for that purpose, which shall at all times be open to public inspection, and such reports to be made by such officer executing the order of the Prison Commission, or the general manager, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Prison Commission to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigations thereof.

The utmost care must be used by the officer executing the order of the Commission or general manager not to break the skin of the prisoner whipped, and any person guilty of whipping a pris-

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oner more lashes, or other than as provided herein, or striking a prisoner except in self-defense, or as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25 nor more than \$500, or imprisoned in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

Sec. 38. All female prisoners shall be kept separate and part from the male prisoners. Where practicable, the Prison Commission shall keep the female prisoners upon a separate farm, or at a separate prison, from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

Sec. 39. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform any physical labor; provided, that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

Sec. 40. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 41. At the place where female prisoners are kept, none but married men shall be employed as guards; and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. Said guards shall be allowed ten dollars per month in addition to his salary in lieu of his board, said houses not to be situated further than three hundred yards from the main prison building where such female prisoners are kept.

Sec. 42. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 43. Every person who shall be

entitled to a diminution of his term of sentence by good conduct shall be allowed a credit of ten cents per day, and for every dollar of such credits he shall be allowed a credit of one day off the term of his sentence, in addition to all other credits; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison system he shall forfeit twenty-five cents of such extra credit of his term of sentence.

Sec. 44. Except in case of extreme and unavoidable emergencies no labor on Sunday shall be required of any prisoner: except the feeding of live stock and other similar essential and necessary work; provided, that a prisoner who shall be required to work on Sunday in such character of work as is different from that above mentioned shall be allowed one day's deduction for each Sunday so worked on the time of his sentence.

Sec. 45. The various provisions of this title are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 46. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deduction shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days

per month off the ninth year of sentence; fifteen days per month off the tenth year and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner, in any year of the term, the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape, or attempt to escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon; and, in case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 47. Hereafter, life or long term prisoners who have actually served fifteen years and have no sustained charges of misconduct, and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence; and, if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation, as if originally sentenced for a term of years, except the Governor shall otherwise direct.

Sec. 48. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners; and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow the prisoners to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining

room each Monday morning for the coming week the bill of food for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 49. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place shall be accordingly removed.

Sec. 50. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employee having charge of a prisoner's money who misappropriates the same, or any part thereof, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for a term of not more than five years.

Sec. 51. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner; and, if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in citizen's clothes, and the grave marked by a stone with the name of said prisoner, date of death and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record

of the deaths of prisoners; and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this article, who shall fail to discharge such duties, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided by the Penal Code.

Sec. 52. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of said prisoner; and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner; and said justice of the peace shall reduce to writing the evidence taken during such inquest, and shall furnish a copy of the same to the Prison Commission; to the district judge of the county in which said prisoner died; and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury; and the said judge shall charge the grand jury, if there should be any suspicion of wrong-doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account therefor approved by the Prison Commission.

Sec. 53. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in

practice. Each physician employed in the prison system shall, at the end of each month, file with the Prison Commission a report in writing, subscribed and sworn to by him; which report shall state the names, race and sex of each prisoner treated or examined by him during said month, the malady or disease with which each was afflicted, and, if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said time, as he may possess; provided further, that for a failure to make such a report, or any false statement knowingly made by any such physician in any such reports, he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 54. The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners. Such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked, at such intervals as may be prescribed.

Sec. 55. When a prisoner is entitled to a discharge from prison he shall be furnished with a written, or printed, discharge from the Prison Commission, with seal affixed, signed by the chairman of the Board of Prison Commissioners, giving the prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing, of good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit, and transportation to the nearest depot from whence sentenced, or, if such prisoner prefers, he may receive transportation to any other point of equal distance as the nearest depot to the point from whence sentenced.

Sec. 56. The Governor and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may

hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 57. The Prison Commission may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, and to be paid as directed by the Prison Commission.

Sec. 58. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing or other property belonging to or under control of the prison system, shall be guilty of theft, and upon conviction punished as prescribed by law.

Sec. 59. Any officer, agent or employe, in any capacity connected with the prison system of this State, who shall be financially interested, either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 60. Any sergeant, guard or other officer or employe of the prison system of this State, who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an aggravated assault, and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner.

Sec. 61. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 62. The Prison Commission shall have the power to work convicts on

public works when they cannot employ them on the State farms or within the walls by reason of some unforeseen calamity such as failure of crops or the destruction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State the humane provisions of this act shall be strictly complied with; provided, that the Prison Commission shall have power, under such conditions, rules and regulations as it may adopt, not inconsistent herewith, to permit the employment of short term convicts in the building of public roads.

Sec. 63. All laws and parts of laws in conflict with this act are hereby repealed; and provided further, if any provision or provisions of this act shall be held invalid, the remaining provisions hereof shall not be affected thereby, but the same shall be in full force and effect.

Sec. 64. Provided, that nothing herein contained shall be held to repeal the indeterminate sentence law as passed by the Regular Session of the Thirty-third Legislature and amended at the First Special Session thereof; and provided further, that the Prison Commissioners may allow the same benefits and privileges and commutations heretofore provided for in this act to convicts sentenced under said indeterminate sentence law as applies to prisoners not so sentenced, and shall allow a deduction and commutation of the term of sentence from the minimum sentence assessed against any prisoner convicted under said indeterminate sentence law above mentioned.

Sec. 65. The fact that there is now no law upon the statute of this State providing for the efficient business management of the penitentiary system creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Pending the reading of the above report, Senator Lattimore moved that the reading be dispensed with, and

Senator Nugent moved, as a substitute, that the report be read in full.

The substitute motion was lost.

Action recurred on the motion to dispense with the reading of the report, and the same was lost by the following vote, a two-thirds vote being necessary.

## Yeas—15.

Bailey of De Witt.	Lattimore.
Conner.	McGregor.
Cowell.	Oliver.
Darwin.	Real.
Greer.	Taylor.
Harley.	Warren.
Hudspeth.	Willacy.
Johnson.	

## Nays—13.

Astin.	Nugent.
Brelsford.	Terrell.
Carter.	Townsend.
Collins.	Watson.
Gibson.	Westbrook.
McNealus.	Wiley.
Morrow.	

## Present—Not Voting.

Bailey of Harris.

Absent.

Clark.

Hall.

## RECESS.

On motion of Senator Brelsford, the Senate, at 7 o'clock, recessed until 8:30 o'clock tonight.

## AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Carter.

## HOUSE BILL NO. 61.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 61. Rising Star Independent School District.

The committee report, with amendments, and which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Astin.	Carter.
Bailey of De Witt.	Collins.
Bailey of Harris.	Conner.
Brelsford.	Cowell.

Darwin.	Real.
Greer.	Taylor.
Hall.	Terrell.
Harley.	Townsend.
Hudspeth.	Warren.
Johnson.	Watson.
Lattimore.	Westbrook.
Morrow.	Wiley.
Nugent.	Willacy.
Oliver.	

## Absent.

Clark.	McGregor.
Gibson.	McNealus.

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Clark.	McNealus.
McGregor.	

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That the Lieutenant Governor and the Secretary of the Senate be instructed to issue warrant to Hon. A. C. Oliver, Senator from the First Senatorial District for thirty-five dollars for the seven days from August 6 to August 12, inclusive.

The resolution was read and adopted.

## HOUSE BILL NO. 18—REPORT OF FREE CONFERENCE COMMITTEE.

Action recurred on the report of the Free Conference Committee on House



bill No. 18, and Senator Warren moved that same be adopted.

Senator Nugent offered the following motion in writing:

I move that the report be not adopted and that the same be referred back to the Free Conference Committee for further consideration and revision.

Senator Lattimore moved the previous question on the pending motions, which motion being duly seconded, was so ordered.

The substitute motion was lost by the following vote:

Yeas—2.

Nugent.

Terrell.

Nays—25.

Bailey of De Witt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	Morrow.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.
Hudspeth.	

Present—Not Voting.

Astin.

Absent.

Clark.

McNealus.

McGregor.

Senator Terrell made the point of order that the report had not been read in compliance with the Constitution with reference to the reading of bills on three several days.

Senator Willacy made the objection to the point of order that the Constitution had been complied with when the bill was before the Senate and before it reached the Free Conference Committee and that the Constitution did not require the reading of a report of a Free Conference Committee, the matter of reading same being optional.

The Chair sustained the point of order by Senator Willacy, and overruled the point of order by Senator Terrell.

The report was then adopted by the following vote:

Yeas—22.

Brelsford.	Conner.
Carter.	Cowell.
Collins.	Darwin.

37—S

Gibson.  
Greer.  
Hall.  
Harley.  
Hudspeth.  
Johnson.  
Lattimore.  
Morrow.

Oliver.  
Real.  
Taylor.  
Townsend.  
Warren.  
Watson.  
Westbrook.  
Willacy.

Nays—3.

Nugent.  
Terrell.

Wiley.

Present—Not Voting.

Astin.

Bailey of Harris.

Bailey of De Witt.

Absent.

Clark.  
McGregor.

McNealus.

Senator Warren moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

#### REASONS FOR VOTE.

I vote "nay" on Free Conference Committee report on House bill No. 18 for the following reasons:

1. Because the proponents of the bill and their friends in their mad rush to railroad this bill to passage, containing, as it does, more than sixty sections, refused to allow the Free Conference Committee report, which is in fact the bill, to be read, and I am not willing to vote for a bill of the magnitude and importance that this has without knowing what the bill contains.

2. Because this bill has been written largely under such circumstances and in such a rush and excitement and perhaps in moments of prejudice and passion as to make it impossible to give to the great multiplicity of questions involved that calm and deliberate consideration and judgment demanded by the stupendous problems involved.

3. Because I am opposed to the paternalistic policy embraced in the bill that gives the Penitentiary Commission power to have venue of suits filed by them against citizens of the State fixed at Austin, in Travis county, thereby saying to the Commission, you may go into the realm of business with the citizens of this State, contract with them, and then sue the citizen at Austin and drag him across the State and litigate his rights among strangers in direct contravention of the principles of law that every man may defend all suits

in the county of his residence, except in cases specially excepted by law as now stated in our statutes, thereby entailing unwarranted hardships and expenses upon such citizens, and in many cases thereby defeating the rights of the citizen.

I am unequivocally opposed to centering too much power around the seat of government, but favor guaranteeing to the people the greatest possible power and rights.

4. I oppose the bill because it discriminates between defendants in suits now pending in which the Commission is plaintiff, and in suits hereafter to be filed, because such a provision is so manifestly unjust and unfair that I cannot give my assent to such a principle.

5. For many other reasons too numerous to enumerate here for want of time and space, I consider the hurried and ill-advised passage of this bill most unfortunate.

NUGENT.

#### HOUSE BILL NO. 95.

(By Unanimous Consent.)

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 95 put on its second reading by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Clark.	McNealus.
McGregor.	

The Chair laid before the Senate, on second reading,

House bill No. 95, local road law for Montague county.

The Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering

this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Clark.	McNealus.
McGregor.	

The bill was read third time and passed.

Senator Wiley moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 74.

(By Unanimous Consent.)

On motion of Senator Astin, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 74 put on its second reading by the following vote:

Yeas—26.

Astin.	Lattimore.
Bailey of De Witt.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Harley.	Westbrook.
Hall.	Wiley.
Hudspeth.	Willacy.

## Absent.

Bailey of Harris.    McGregor.  
Clark.                McNealus.  
Johnson.

The Chair laid before the Senate, on second reading,

House bill No. 74, relating to organization and operation of drainage districts.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Astin.	Hudspeth.
Bailey of De Witt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Oliver.
Conner.	Real.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.

## Absent.

Clark.                Taylor.  
McGregor.          Terrell.  
McNealus.

The bill was read third time and passed by the following vote:

## Yeas—21.

Astin.	Hudspeth.
Bailey of De Witt.	Johnson.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Wiley.
Greer.	Willacy.
Harley.	

## Nays—2.

McMorrow.          Westbrook.

## Absent.

Bailey of Harris.    McGregor.  
Clark.                McNealus.  
Hall.                Taylor.  
Lattimore.          Watson.

Senator Astin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 89.

(By Unanimous Consent.)

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 89 put on its second reading by the following vote:

## Yeas—28.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Bailey of De Witt.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Clark.                McNealus.  
McGregor.

The Chair laid before the Senate, on second reading,

House bill No. 89, special road law for Hopkins county.

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

## Absent.

Clark.	McNealus.
McGregor.	

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	Lattimore.
Bailey of De Witt.	McNealus.
Bailey of Harris.	Morrow.
Brelsford.	Nugent.
Carter.	Oliver.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

## Absent.

Clark.	McGregor.
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Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Mayes in the chair.)

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That Dr. A. C. Oliver be paid out of the Contingent Expense Fund the sum of two hundred (\$200) dollars for expenses and attorney's fee necessarily incurred by him in the contest proceedings filed in this Senate against him by the Hon. C. A. Wheeler.

The resolution was read, and Senator Terrell amended the same by providing \$200 for C. A. Wheeler.

Senator Wiley moved to table the amendment and the resolution.

Senator Carter made the point of order that a similar resolution had been acted adversely on same.

The Chair sustained the point of order.

Senator McNealus moved to rescind the vote by which the Senate failed to pass a simple resolution allowing Senator Oliver and Mr. Wheeler an appropriation for attorney's fee in recent contest.

Senator Wiley moved to table the motion to rescind, which motion prevailed by the following vote:

## Yeas—14.

Carter.	Real.
Conner.	Taylor.
Darwin.	Townsend.
Greer.	Warren.
Harley.	Westbrook.
Johnson.	Wiley.
Morrow.	Willacy.

## Nays—10.

Bailey of Harris.	McNealus.
Brelsford.	Nugent.
Collins.	Oliver.
Hudspeth.	Terrell.
McGregor.	Watson.

## Present—Not Voting.

Astin.	Cowell.
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## Absent.

Bailey of De Witt.	Hall.
Clark.	Lattimore.
Gibson.	

## PRESIDENT PRO TEM.—ELECTION OF.

Here Senator Carter moved that the Senate proceed to the election of a President Pro Tem. for the closing session.

The Chair declared nominations for President Pro Tem. in order.

Senator Townsend nominated Senator V. A. Collins of Jefferson county.

Senators Taylor, Johnson, Westbrook, Nugent and McNealus seconded the nomination.

There being no other nominations, the Chair declared nominations closed, and directed the Senators to cast their ballots.

Senators Taylor, Westbrook and Nugent were appointed tellers.

Senator Collins received 24 votes, and was declared duly and constitutionally elected.

Senators Hudspeth and Morrow were appointed as a committee to escort Senator Collins to the President's stand, whereupon the constitutional oath of office was administered him by Lieutenant Governor Mayes.

Senator Collins was presented to the Senate and spoke briefly.

#### SIMPLE RESOLUTION.

Whereas, Miss Mattie Jones has served the Senate Finance Committee faithfully and efficiently; therefore, be it

Resolved, That the Senate extends its thanks to her for said faithful services, and extends to her our sincere wishes for prosperity and happiness.

JOHN G. WILLACY,  
Chairman Finance Committee.

The resolution was read and adopted.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 44.

Also, concurs in Senate amendments to House bill No. 9 by the following vote: Yeas 69, nays 35.

Also, the House adopts the Free Conference Committee report on House bill No. 18, by the following vote: Yeas 70, nays 36.

Also, the House concurs in Senate amendments to House bill No. 61.

Also, that the House has passed Senate bill No. 34, Lott county, with amendment.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### SENATE BILL NO. 34—HOUSE AMENDMENTS CONCURRED IN.

Senator Watson called up House bill No. 34, with the following House amendments:

Amend Senate bill No. 34, Section 1, line 34, by striking out the word "Lott" and insert in lieu thereof the name "Dunn."

Amend the caption of the bill, line 7, by striking out the word "Lott" in honor of Uriah Lott, and insert in lieu thereof the name "Dunn," in honor of P. F. Dunn.

The amendments were read and concurred in.

#### NOTIFICATION COMMITTEES.

Senator Hudspeth moved that a committee of three each be appointed to notify the Governor and House that the Senate had completed its labors and was ready to adjourn, which motion was adopted, and the Chair appointed the following committees:

To notify the Governor: Senators Hudspeth, Collins and Morrow.

To notify the House: Senators Carter, Taylor and Conner.

Each of the above committees performed their duties and made due report.

A committee from the House appeared at the bar of the Senate and notified the Senate that the House was ready to adjourn.

#### SINE DIE ADJOURNMENT.

The Chair, Lieutenant Governor Mayes, at 12 o'clock, midnight, August 19, 1913, by the authority vested in him by the Constitution of the State of Texas, pronounced the Senate of the First Called Session of the Thirty-third Legislature adjourned sine die.

#### APPENDIX.

#### BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

House bill No. 14, "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: The University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of

Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas State Normal and West Texas State Normal, and declaring an emergency."

House bill No. 40, "An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas."

House bill No. 50, "An Act to create a special district court for the Fifth Judicial District of Texas, and declaring an emergency."

House Concurrent Resolution No. 9, Requesting our Senators and Representatives in Congress to support bill for the creation of the Mescalero National Park out of a portion of the Mescalero Indian Reservation.

Senate bill No. 28, "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency."

Senate bill No. 57, "An Act creating the Gonzales Independent School District in Gonzales county, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gonzales of the control of its public free schools, and the title of all property now held and used for public school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Senate bill No. 56, "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Senate bill No. 36, "An Act to amend Sections 2, 8, 9 and 12 of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, main-

taining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Senate bill No. 48, "An Act to amend Section 2, Chapter 67, Local and Special Laws of the Acts of the Thirty-second Legislature of the State of Texas, creating a special road law for Mason county, Texas, so as to provide that hands employed to work on the public roads shall be paid not more than \$1.50 per day, and that not more than \$3 per day shall be paid for a team and driver, and further, so as to provide that the superintendent of roads and bridges shall have charge of all public roads and bridges and supervise all work done thereon, but that the county commissioners shall inspect the roads within their respective precincts once each month, and shall receive as compensation therefor \$3 per day for the time actually employed in the discharge of such duty, provided that no commissioner shall receive pay for more than three days in any one month, and providing for an emergency."

House bill No. 4, "An Act providing for the election of United States Senators from Texas to Congress of the United States, and providing for the selection and nomination of candidates therefor, defining violations of this act, fixing the punishment therefor, and limiting the campaign expenses of candidates for United States Senator."

House bill No. 2, "An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of

Water Engineers and State Levee and Drainage Commission."

House bill No. 17, "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

House bill No. 65, "An Act creating the Belcher Independent School District in Montague county, Texas; defining its boundaries; providing for a board of trustees to manage and control public free schools within said district; divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws of this State, and declaring an emergency."

House bill No. 79, "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

House bill No. 38, "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may here-

after be sold to the State, city or town for taxes, and declaring an emergency."

House bill No. 29, "An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency."

House bill No. 44, relating to cotton classing.

House bill No. 74, relating to drainage districts.

House bill No. 18, "An Act to repeal Article 6214 of the Revised Statutes of 1911; to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6224, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced or an equal distance."

House bill No. 61, creating Rising Star Independent School District.

House bill No. 89, local road law for Hopkins county.

House bill No. 95, local road law for Montague county.

Senate bill No. 34, creating county of Dunn.

(Signed by President Pro Tem. Carter.)

Senate bill No. 33, "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect

taxes to pay interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads, and declaring an emergency."

Senate bill No. 23, "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein, and to repeal all laws in conflict therewith, and declaring an emergency."

Senate bill No. 40, "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 186, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season, and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Senate bill No. 54, "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

Senate bill No. 46, "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

Senate bill No. 53, "An Act to create a special district court for El Paso county, Texas, to be known as the Special District Court of El Paso county; to prescribe its jurisdiction; to limit its existence; to fix its terms; to conform all writs and process of said court to the district court of said county and to

such changes as are made in the jurisdiction of said court by this act; to empower the judge of a said special district court and the judges of the Thirty-fourth Judicial district court and the Forty-first Judicial district court of Texas to transfer cases from their respective courts to this court; to provide for appointment of a judge for said special district court; to fix his salary and term of office, and declaring an emergency."

Senate bill No. 29, "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with the existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 24, "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to wit: State Orphans' Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

House bill No. 35, "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors,' and declaring an emergency."

House bill No. 54, "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

House bill No. 78, "An Act providing for the abolition of drainage districts, heretofore organized, or that may here-



after be organized, under the general laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

House bill No. 84, "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

Senate bill No. 21, Memphis Independent School District.

House bill No. 9, "Blue Sky" law.

#### COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 89, A bill to be entitled "An Act to amend Chapter 37, Section 26 of the Special Laws of the Thirty-third Legislature, passed at the Regular Session, being a special road law for Hopkins county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Townsend, Westbrook, Harley.

(Floor Report.)

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 61, A bill to be entitled "An Act to amend Section 1, Chapter 40, Special Laws, passed at the Regular Session of the Thirty-third Legislature, being 'An Act creating Rising Star Independent School District in Eastland county, Texas, and also containing terri-

tory in Brown county, Texas; providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of this State upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1913 shall be collected and paid to the treasurer of said Rising Star Independent School District hereby established, and declaring an emergency,"

Have had the same under consideration, and are instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed.

Johnson, Cowell, Darwin, Harley, Real, Astin.

(Floor Report.)

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

House bill No. 74, A bill to be entitled "An Act to amend Sections 7, 8, 23, 29, 36 and 61 of Chapter 118, General Laws passed by the Regular Session of the Thirty-second Legislature, so that they shall hereafter read as follows, and adding thereto Sections 23a, 23b and 36a, said amended and added sections to change the present law in regard to the organization and operation of drainage districts so as to give said districts more authority in the conduct and management of the affairs of the districts, reducing the fees allowed the county judges and county treasurers for approving and selling the bonds and handling the funds of the district, requiring drainage commissioners to render more frequent and complete reports of their official acts, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Brelsford, Chairman; Johnson, Wil-lacy, Collins, Hudspeth, Bailey of De Witt, Taylor, Conner.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 95, A bill to be entitled "An Act to amend Section 9 of the special road law for Montague county, passed at the Regular Session of the Thirty-third Legislature, relating to the salaries of county commissioners, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

TERRELL, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 46, "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of Texas be so amended as to hereafter read as follows:

Art. 7435. Any person or persons desiring to obtain a retail liquor dealer's license in this State or a retail malt dealer's license shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we, ..... and ..... of the county of ..... State of

Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No. .... Street, in ..... in the county of ..... State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place that I, or we, have resided for the past two years in ..... county, State of Texas, and during said time have been engaged in the business of .....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, were sold, or sold, aided or advised any other person selling in or near any such house or place of business any such liquor after 12 o'clock, midnight, on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and have not since the first day of July, A. D. 1913, as owner or as the representative, agent or employe of any other person kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week or between the hours of 9:30 p. m. and 6 o'clock a. m. of the following morning of any week day; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, sister, father, mother or daughter of such person not to sell to

such habitual drunkard; or permitted any person not over the age of 21 years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealer's license any other liquors than those defined by the law as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not, either in person, or knowingly by an agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license or transact any business in such house or place of business after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of 21 years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and if the application be for a retail malt dealer's license, it shall further state that he or they under the said license,

will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, or in the event that I, or we, violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller canceling and rescinding such license shall be annulled, in case such license shall have been canceled by the Comptroller.

Sworn to and subscribed before me,  
....., within and for the county  
of....., State of Texas, by.....,  
on this, the....day of.....19....

(L. S.) (Signature of Officer.)

That, upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall, upon the payment to him by the applicant of \$2.00, issue to him such permit, under his hand and the seal of his office, which together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed

with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for a license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Art. 7442. Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained, that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after 9:30 p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of 21 years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those defined by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office declaring the rescission of such license, theretofore issued, to such person or persons, one copy of which

certificate shall remain on file in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Art. 7451. Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 p. m. Saturday until 6 a. m. of the following Monday of each week; and between the hours of 9:30 p. m. and 6 a. m. of any week day.

Art. 7452. Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they

sign as sureties; and no county judge shall approve any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge; which bond shall be conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give or permit to be given any spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years, not to sell to any such person, or that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of

the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind, and that he or they will not violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of seventy-five cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for such infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and thereafter when any recovery is had by any person or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to

be drunk on the premises, in any locality other than where local option is in force, upon the ground that such license sold, or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard, after having been notified in writing not to sell to such habitual drunkard, or that such license permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by the law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and canceled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond, as required by law, or who shall sell the same after said license shall have been forfeited, revoked or canceled shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for sales where no license has been obtained. An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd women are allowed to enter or remain; and it is further pro-

vided, that said house must not contain any vulgar or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and filing with the county judge an affidavit that such notice has been given; and, if within five days after such notice the principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided further, that where the sale to any habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. The fact that there is no civil law governing applications for a license and providing for a forfeiture of license for violations of the criminal law prohibiting liquor dealers from selling liquors or keeping open their place of business after 9:30 p. m., creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 9 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 29, "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds; providing for penalties for violations of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall hereafter be unlawful for any regent, or regents, director or directors, officer or officers, member or members, of any educational or eleemosynary institution of the State of Texas, to contract or provide for the erection or repair of any building, or other improvement, or the purchase of equipment or supplies of any kind whatsoever for any such institution, not authorized by specific legislative enactment, or by written direction of the Governor of this State acting under and consistent with the authority of existing laws, or to contract or create any indebtedness or deficiency in the name of or against this State, not specifically authorized by legislative enactment, or to divert any part of any fund provided by law to any other fund or purpose than that specifically named and designated in the legislative enactment creating such fund, or provided for in any appropriation bill.

Sec. 2. That any and all contracts, debts or deficiencies created contrary to the provisions of this act shall be wholly and totally void, and shall not be enforceable against this State.

Sec. 3. That any regent, director, officer or member of any governing board of any educational or eleemosynary institution, who shall violate this act shall be at once thereafter removed from his position with such institution, and shall not thereafter be eligible to hold said position and in addition thereto shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a period of not less than ten days, nor more than six months, the venue of such case to be in the county in which may be located the institution affected by such acts of such offender.

Sec. 4. That all laws and parts of laws in conflict herewith be, and the same are, in all things repealed.

Sec. 5. The fact that the reckless and unwise creation of deficiencies in connection with some of our State educational and eleemosynary institutions constitute great evils in the administration of said institutions, and the lateness of the session creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,

Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 35, "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the contingent expenses of the First Called Session of the Thirty-third Legislature.

Sec. 2. The fact that sufficient money is not available for the purpose of paying the contingent expenses as above stated, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended, and the same is hereby suspended and this bill placed upon its third reading: and find passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 25, "An Act to authorize the Governor, Attorney General and Commissioner of the General Land Office to lease the water rights in the Guadalupe river, in DeWitt county, upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water, and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor, the Attorney General and the Commissioner of the General Land Office of the State of Texas, or any two of them, be and are hereby authorized to lease to Cuero Light and Power Company or any other person, firm or corporation upon such terms and for such consideration as they may prescribe for a period not to exceed fifty years, any or all the water rights belonging to the State of Texas in and to the Guadalupe river in DeWitt county; provided, also, that the Governor, the Attorney General and the Commissioner of the General Land Office shall lease said water rights to said Cuero Light and Power Company, or to any other parties, at a rate of not less than one-tenth of one per cent annually upon the gross earnings of said lessees.

Provided, however, that the water rights granted shall be for hydro-electric and power purposes only, and no one person, firm or corporation shall be granted the right to construct a greater number of dams in said river than is sufficient to generate with machinery ordinarily used for such purposes, not exceeding 1800 h. p. measured when the river is at its minimum flow, calculated

by the standard method of hydraulic measurement.

Provided further, that any firm, corporation or person to whom such lease is made shall distribute the power when sold to the public without discrimination, and shall sell the same to consumers in the same class and under like conditions at the same price and upon the same terms.

Provided, however, said leasehold may be sold, but no encumbrance or sale of leasehold which creates a trust or monopoly shall ever be made nor shall any sale or leasehold ever be made to any trust or monopoly.

Provided, also, that any lienholder, bondholder or purchaser shall have no greater rights than the lessees hereunder, and shall be subject to the same liabilities and duties to the State.

Sec. 2. Said lessee or lessees shall have the right, power, privilege and authority to maintain any dam already in existence and to erect, build, construct, maintain and operate additional dams across the Guadalupe river, in DeWitt county, Texas, and to build reservoirs, lakes, locks, abutments and buildings across the Guadalupe river, in said county, necessary for the use of the privileges and rights hereby granted them, and any person, firm or corporation now owning dams or having acquired property for the purpose of building a dam or dams under this act, shall have priority over others in making such lease or leases, and in the event a lease or leases shall be made to some person, firm or corporation other than one having a dam or dams or having acquired property for the purpose of constructing a dam or dams across said river in said county, then the person, firm or corporation so leasing said water rights and bed of said stream shall under the condition of such lease or leases be required by the Governor, Attorney General and Commissioner of the General Land office, or any two of them, to compensate the owner of said dam or dams now constructed, or property now acquired in such amount, and upon such terms as may be fixed by the Governor, Attorney General and Commissioner of the General Land Office, and if lease or leases are made to others than the owners of the property above described, then the fact of leasing will require party leasing to submit to the arbitration herein provided.

Sec. 3. Said lessee shall have the right, power, privilege and authority, in



any manner to dam and overflow the Guadalupe river and its tributaries in said county, and in any manner to deepen, lower, drain and excavate said channel to said river, its bed and banks and up said stream as far as the water from said dams may be backed or impounded and to include said Guadalupe river and its tributaries from said point up said stream as far as the water being backed or impounded from said dam shall extend.

Sec. 4. The great benefit to be derived by the public in general and by the citizens of Cuero, in DeWitt county, Texas, in particular, and the fact that said water is now daily going to waste, creates an imperative public necessity, necessitating the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and also creates an emergency that this act shall take effect and go into force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 34, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 28, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.  
Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 36, and find it

correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 48, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 56, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 57, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 33, and find it correctly enrolled, and have this day, at 9:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 54, and find it correctly enrolled, and have this day, at

8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 21, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 53, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 19, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 40, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 23, and find it correctly enrolled, and have this day, at 8:50 o'clock p. m., presented same to the Governor for his approval.

DARWIN, Acting Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 22, and find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 45, "An Act creating the Files Valley Orphans' Home Independent School District, providing for the appointment of trustees of said district, defining the boundaries thereof, and declaring an emergency."

And find it correctly enrolled, and have this day, at 10 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.